

THE  
HISTORY OF ENGLAND

FROM THE  
INVASION OF JULIUS CÆSAR  
TO  
THE REVOLUTION IN 1688.  
IN THREE VOLUMES.

BY  
DAVID HUME, ESQ.

VOL. I.

*A new Edition, with the Author's last Corrections and Improvements.*

TO WHICH IS PREFIXED,  
A SHORT ACCOUNT OF HIS LIFE, WRITTEN BY HIMSELF.

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REPRINT OF THE EDITION OF 1786.

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# MY OWN LIFE

BY

DAVID HUME.

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It is difficult for a man to speak long of himself without vanity, therefore I shall be short. It may be thought an instance of vanity that I pretend at all to write my life, but this narrative shall contain little more than the history of my writings, as, indeed, almost all my life has been spent in literary pursuits and occupations. The first success of most of my writings was not such as to be an object of vanity.

I was born the 26th of April, 1711, old style, at Edinburgh. I was of a good family, both by father and mother: my father's family is a branch of the Eail of Home's, or Hume's; and my ancestors had been proprietors of the estate which my brother possesses for several generations. My mother was daughter of Sir David Falconer, President of the College of Justice: the title of Lord Halkerton came by succession to her brother.

My family, however, was not rich, and being myself a younger brother, my patrimony, according to the mode of my country, was of course very slender. My father, who passed for a man of parts, died when I was an infant, leaving me, with an elder brother and sister, under the care of our mother, a woman of singular merit, who, though young and handsome, devoted herself entirely to the rearing and educating of her children. I passed through the ordinary course of education with success, and was seized very early with a passion for literature, which has been the ruling passion of my life, and the great source of my enjoyments. My studious disposition, my sobriety, and my industry, gave my family a notion that the law was a proper profession for me, but I found an insurmountable aversion to everything but the pursuits of philosophy and general learning, and while they fancied I was poring upon Voet and Vinnius, Cicero and Virgil were the authors which I was secretly devouring.

My very slender fortune, however, being unsuitable to this plan of life, and my health being a little broken by my ardent application, I was tempted, or rather forced, to make a very feeble trial for entering into a more active scene of life. In 1734, I went to Bristol, with some recommendations to eminent merchants, but in a few months found that scene totally unsuitable to me. I went over to France with a view of prosecuting my studies in a country retreat, and I there laid that plan of life which I have steadily and successfully pursued. I

vi *My first work—no success. Travel on the Continent.*

resolved to make a very rigid frugality supply my deficiency of fortune, to maintain unimpaired my independency, and to regard every object as contemptible, except the improvement of my talents in literature.

During my retreat in France, first at Rheims, but chiefly at La Fleche, in Anjou, I composed my 'Treatise of Human Nature' After passing three years very agreeably in that country, I came over to London in 1737. In the end of 1738, I published my Treatise, and immediately went down to my mother and my brother, who lived at his country-house, and was employed himself very judiciously and successfully in the improvement of his fortune.

Never literary attempt was more unfortunate than my 'Treatise of Human Nature.' It fell dead-born from the press, without reaching such distinction as even to excite a murmur among the zealots. But being naturally of a cheerful and sanguine temper, I very soon recovered the blow, and prosecuted with great ardour my studies in the country. In 1742, I printed at Edinburgh the first part of my *Essays*: the work was favourably received, and soon made me entirely forget my former disappointment. I continued with my mother and brother in the country, and in that time recovered the knowledge of the Greek language, which I had too much neglected in my early youth.

In 1745, I received a letter from the Marquis of Annandale, inviting me to come and live with him in England; I found also, that the friends and family of that young nobleman were desirous of putting him under my care and direction, for the state of his mind and health required it.—I lived with him a twelvemonth. My appointments during that time made a considerable accession to my small fortune. I then received an invitation from General St. Clair to attend him as a secretary to his expedition, which was at first meant against Canada, but ended in an incursion on the coast of France. Next year, to wit, 1747, I received an invitation from the General to attend him in the same station in his military embassy to the courts of Vienna and Turin. I then wore the uniform of an officer, and was introduced at these courts as aide-de-camp to the general, along with Sir Harry Erskine and Captain Grant, now General Grant. These two years were almost the only interruptions which my studies have received during the course of my life. I passed them agreeably, and in good company, and my appointments, with my frugality, had made me reach a fortune which I called independent, though most of my friends were inclined to smile when I said so, in short, I was now master of near a thousand pounds.

I had always entertained a notion, that my want of success in publishing the 'Treatise of Human Nature,' had proceeded more from the manner than the matter, and that I had been guilty of a very usual indiscretion, in going to the press too early. I therefore cast the first part of that work anew in the 'Enquiry concerning Human Understanding,' which was published while I was at Turin. But this piece was at first little more successful than the 'Treatise of Human Nature.' On my return from Italy, I had the mortification to find all England in a ferment on account of Dr Middleton's 'Free Enquiry,' while my performance was entirely overlooked and neglected. A new edition, which had been published at London, of my *Essays*, moral and political, met not with a much better reception.

Such is the force of natural temper, that these disappointments made little or no impression on me. I went down, in 1749, and lived two years with my brother at his country-house; for my mother was now dead. I there composed the second part of my Essay, which I called 'Political Discourses,' and also my 'Enquiry concerning the Principles of Morals,' which is another part of my treatise, that I cast anew. Meanwhile, my bookseller, A. Miller, informed me that my former publications (all but the unfortunate Treatise) were beginning to be the subject of conversation, and the sale of them was gradually increasing, and that new editions were demanded. Answers by reverends, and right reverends, came out two or three in a year, and I found, by Dr. Warburton's railing, that the books were beginning to be esteemed in good company. However, I had a fixed resolution, which I inflexibly maintained, never to reply to anybody; and not being very irascible in my temper, I had easily kept myself clear of all literary squabbles. These symptoms of a rising reputation gave me encouragement, as I was ever more disposed to see the favourable than unfavourable side of things; a turn of mind which it is more happy to possess, than to be born to an estate of 10,000*l* a-year.

In 1751, I removed from the country to the town, the true scene for a man of letters. In 1752, were published at Edinburgh, where I then lived, my 'Political Discourses,' the only work of mine that was successful on the first publication. It was well received abroad and at home. In the same year was published at London, my 'Enquiry concerning the Principles of Morals;' which, in my own opinion (who ought not to judge on that subject), is of all my writings, historical, philosophical, or literary, incomparably the best. It came unnoticed and unobserved into the world.

In 1752, the Faculty of Advocates chose me their librarian, an office from which I received little or no emolument, but which gave me the command of a large library. I then formed the plan of writing the History of England; but being frightened with the notion of continuing a narrative through a period of 1700 years, I commenced with the accession of the House of Stuart, an epoch when, I thought, the misrepresentation of faction began chiefly to take place. I was, I own, sanguine in my expectations of the success of this work. I thought that I was the only historian that had at once neglected present power, interest, and authority, and the cry of popular prejudices, and as the subject was suited to every capacity, I expected proportional applause. But miserable was my disappointment, I was assailed by one cry of reproach, disapprobation, and even detestation; English, Scotch, and Irish, whig and toiy, churchman and sectary, freethinker and religionist, patriot and courtier, united in their rage against the man who had presumed to shed a generous tear for the fate of Charles I. and the Earl of Strafford; and, after the first ebullitions of their fury, were over—what was still more mortifying—the book seemed to sink into oblivion. Mr. Miller told me, that in a twelvemonth he sold only forty-five copies of it. I scarcely, indeed, heard of one man in the three kingdoms, considerable for rank or letters, that could endure the book. I must only except the Primate of England, Dr. Herring, and the Primate of Ireland, Dr. Stone, which seem two odd exceptions.

viii *Publication of my History. On the French Embassy.*

These dignified prelates separately sent me messages not to be discouraged

I was, however, I confess, discouraged; and had not the war been at that time breaking out between France and England, I had certainly retired to some provincial town of the former kingdom, have changed my name, and never more have returned to my native country. But as this scheme was not now practicable, and the subsequent volume was considerably advanced, I resolved to pick up courage and to persevere.

In this interval, I published at London my 'Natural History of Religion,' along with some other small pieces; its public entry was rather obscure, except only that Dr. Hurd wrote a pamphlet against it, with the petulance, arrogance, and scurrility, which distinguish the Warburtonian school. This pamphlet gave me some consolation for the otherwise indifferent reception of my performance.

In 1756, two years after the fall of the first volume, was published the second volume of my History, containing the period from the death of Charles I till the Revolution. This performance happened to give less displeasure to the whigs, and was better received. It not only rose itself, but helped to buoy up its unfortunate brother.

But, though I had been taught by experience that the whig party were in possession of bestowing all places, both in the state and in literature, I was so little inclined to yield to their senseless clamour, that in above a hundred alterations, which further study, reading, or reflection engaged me to make in the reigns of the two first Stuarts, I have made all of them invariably to the tory side. It is ridiculous to consider the English constitution before that period as a regular plan of liberty.

In 1759, I published my History of the House of Tudor. The clamour against this performance was almost equal to that against the History of the two first Stuarts. The reign of Elizabeth was particularly obnoxious. But I was now callous against the impressions of public folly, and continued very peaceably and contentedly in my retreat at Edinburgh, to finish, in two volumes, the more early part of the English History, which I gave to the public in 1761, with tolerable, and but tolerable, success.

But, notwithstanding this variety of winds and seasons to which my writings had been exposed, they had still been making such advances, that the copy-money given me by the booksellers much exceeded anything formerly known in England; I was become not only independent, but opulent. I retired to my native country of Scotland, determined never more to set my foot out of it, and retaining the satisfaction of never having preferred a request to one great man, or even making advances of friendship to any of them. As I was now turned of fifty, I thought of passing all the rest of my life in this philosophical manner, when I received, in 1763, an invitation from the Earl of Hertford, with whom I was not in the least acquainted, to attend him on his embassy to Paris, with a near prospect of being appointed secretary to the embassy, and, in the meanwhile, of performing the functions of that office. This offer, however inviting, I at first declined, both because I was reluctant to begin connections with the great, and because I was afraid that the civilities and gay

company of Paris would prove disagreeable to a person of my age and humour, but on his lordship's repeating the invitation I accepted of it. I have every reason, both of pleasure and interest, to think myself happy in my connections with that nobleman, as well as afterwards with his brother, General Conway.

Those who have not seen the strange effects of modes, will never imagine the reception I met with at Paris, from men and women of all ranks and stations. The more I resiled from their excessive civilities, the more I was loaded with them. There is, however, a real satisfaction in living at Paris, from the great number of sensible, knowing and polite company with which that city abounds above all places in the universe. I thought once of settling there for life.

I was appointed secretary to the embassy; and in the summer, 1765, Lord Hertford left me, being appointed Lord Lieutenant of Ireland. I was *chargé d'affaires* till the arrival of the Duke of Richmond, towards the end of the year. In the beginning of 1766, I left Paris, and next summer went to Edinburgh, with the same view as formerly, of burying myself in a philosophical retreat. I returned to that place, not richer, but with much more money, and a much larger income, by means of Lord Hertford's friendship, than I left it, and I was desirous of trying what superfluity could produce, as I had formerly made an experiment of a competency. But in 1767, I received from Mr Conway an invitation to be under-secretary, and this invitation, both the character of the person, and my connections with Lord Hertford, prevented me from declining. I returned to Edinburgh in 1769, very opulent (for I possessed a revenue of 1000*l.* a year), healthy, and though somewhat stricken in years, with the prospect of enjoying long my ease, and of seeing the increase of my reputation.

In spring, 1775, I was struck with a disorder in my bowels, which at first gave me no alarm, but has since, as I apprehended, become mortal and incurable. I now reckon upon a speedy dissolution. I have suffered very little pain from my disorder, and what is more strange, have, notwithstanding the great decline of my person, never suffered a moment's abatement of my spirits, insomuch, that were I to name a period of my life which I should most choose to pass over again, I might be tempted to point to this later period. I possess the same ardour as ever in study, and the same gaiety in company. I consider besides, that a man of sixty-five, by dying, cuts off only a few years of infirmities; and though I see many symptoms of my literary reputation's breaking out at last with additional lustre, I know that I could have but few years to enjoy it. It is difficult to be more detached from life than I am at present.

To conclude historically with my own character. I am, or rather was (for that is the style I must now use in speaking of myself, which emboldens me the more to speak my sentiments); I was, I say, a man of mild disposition, of command of temper, of an open, social, and cheerful humour, capable of attachment, but little susceptible of enmity, and of great moderation in all my passions. Even my love of literary fame, my ruling passion, never soured my temper, notwithstanding my frequent disappointments. My company was not unacceptable to the young and careless, as well as to the studious and literary; and

as I took a particular pleasure in the company of modest women, I had no reason to be displeased with the reception I met with from them. In a word, though most men, anywise eminent, have found reason to complain of calumny, I never was touched, or even attacked by her baleful tooth; and though I wantonly exposed myself to the rage of both civil and religious factions, they seemed to be disarmed in my behalf of their wonted fury. My friends never had occasion to vindicate any one circumstance of my character and conduct. I cannot say there is no vanity in making this funeral oration of myself, but I hope it is not a misplaced one, and this is a matter of fact which is easily cleared and ascertained.

April 18, 1776.

#### CRITICISMS ON HUME'S HISTORY OF ENGLAND.

'Considered as calm and philosophic narratives, the Histories of Hume will remain as standard models for every future age. The just and profound reflections of the former, the inimitable clearness and impartiality with which he has summed up the arguments on both sides, on the most momentous questions which have agitated England, as well as the general simplicity, uniform clearness, and occasional pathos of his story, must for ever command the admiration of mankind. . . . His reputation is undiminished, successive editions issuing from the press attest the continued sale of his works; and it continues its course through the sea of time, like a mighty three-decker, which never even condescends to notice the javelins darted at its side from the hostile canoes which from time to time seek to impede its progress.'—*Foreign and Colonial Review*, Dec., 1844.

'Rapin and Hume are our two great historians; but it is Hume who is read by every one. Hume is the historian whose views and opinions invariably become our own. He is respected and admired by the most enlightened reader, he is the guide and philosopher of the ordinary reader, to whose mind on all the ordinary topics connected with our history, he entirely gives the tone and the law'—*Prof. Smyth's Lectures on Modern History*, Lecture V.

'The immortal narratives of Hume . . . Hume, whose simple but profound History will be coeval with the long and eventful thread of English stories'—*Alison's History of Europe*

'The perfect composition, the nervous language, the well-turned periods of Dr. Robertson, inflamed me to the ambitious hope that I might one day tread in his footsteps; the calm philosophy, the careless inimitable beauties of his friend and rival (Hume), often forced me to close the volume with a mixed sensation of delight and despair'—*Autobiography of Edward Gibbon*

\*The triumvirate of British Historians, Hume, Robertson, and Gibbon, who exemplified in their very dissimilar styles, the triple contrast and harmony of simplicity, elegance, and splendour'—*James Montgomery's Lecture on History*

[The success which has attended his REPRINT of Gibbon's great work, has induced A.M. to produce these kindred volumes, Jan, 1871]

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[NOTE.—This Edition of Hume's History of England is divided into three volumes.

VOL. I.—From the dawn of British history to the death of Richard III., on Bosworth Field

VOL. II.—The reign of the Tudor rulers—Henry VII., Henry VIII., Edward VI., Queen Mary, and Queen Elizabeth.

VOL. III.—The Stuart princes,—James I., Charles I. (the Commonwealth era), Charles II., and James II.

Each volume, as written by the author, forms a distinct section of the History of England, and the Appendix, closing each division of the work, forms the most instructive of reading, as the author summarises the incidents detailed, and illustrates, the customs and laws, the constitution and habits of the people, from the darkest eras to those enlightened by the revival of learning and the growth of the arts and sciences—from barbarism to the knowledge and the enjoyment of civil and religious liberty.—A.M.]

# HISTORY OF ENGLAND

BY

DAVID HUME, ESQ.

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CHAP. I.—*The Britons.—Romans.—Saxons.—The Heptarchy—the Kingdom of Kent; of Northumberland, of East-Anglia; of Mercia; of Essex, of Sussex; of Wessex.*

THE BRITONS—The curiosity entertained by all civilized nations of inquiring into the exploits and adventures of their ancestors, commonly excites a regret that the history of remote ages should always be so much involved in obscurity, uncertainty, and contradiction. Ingenious men, possessed of leisure, are apt to push their researches beyond the period in which literary monuments are framed or preserved; without reflecting that the history of past events is immediately lost or disfigured when entrusted to memory and oral tradition, and that the adventures of barbarous nations, even if they were recorded, could afford little or no entertainment to men born in a more cultivated age. The convulsions of a civilized state usually compose the most instructive and most interesting part of its history; but the sudden, violent, and unprepared revolutions incident to barbarians, are so much guided by caprice, and terminate so often in cruelty, that they disgust us by the uniformity of their appearance; and it is rather fortunate for letters that they are buried in silence and oblivion. The only certain means by which nations can indulge their curiosity in researches concerning their remote origin, is to consider the language, manners, and customs of their ancestors, and to compare them with those of the neighbouring nations. The fables, which are commonly employed to supply the place of true histories, ought entirely to be disregarded; or if any exception be admitted to this general rule, it can only be in favour of the ancient Grecian fictions, which are so celebrated and so agreeable, that they will ever be the objects of the attention of mankind. Neglecting therefore all traditions, or rather tales, concerning the more early history of Britain, we shall only consider the state of the inhabitants as it appeared to the Romans on their invasion of this country. We shall briefly run over the events which attended the conquest made by that empire, as belonging more to Roman than British story. We shall hasten through the obscure and uninteresting period of Saxon annals, and shall reserve a more

full narration for those times when the truth is both so well ascertained as to promise entertainment and instruction to the reader.

All ancient writers agree in representing the first inhabitants of Britain as a tribe of the Gauls or Celtæ, who peopled that island from the neighbouring continent. Their language was the same, their manners, their government, their superstition; varied only by those small differences which time or a communication with the bordering nations must necessarily introduce. The inhabitants of Gaul, especially in those parts which lie contiguous to Italy, had acquired, from a commerce with their southern neighbours, some refinement in the arts, which gradually diffused themselves northwards, and spread but a very faint light over this island. The Greek and Roman navigators or merchants (for there were scarcely any other travellers in those ages) brought back the most shocking accounts of the ferocity of the people, which they magnified, as usual, in order to excite the admiration of their countrymen. The south-east parts, however, of Britain, had already, before the age of Cæsar, made the first and most requisite step towards a civil settlement; and the Britons, by tillage and agriculture, had there increased to a great multitude (Cæsar, lib. iv.). The other inhabitants of the island still maintained themselves by pasture; they were clothed with skins of beasts, they dwelt in huts, which they reared in the forests and marshes with which the country was covered; they shifted easily their habitation, when actuated either by the hopes of plunder or the fear of an enemy; the convenience of feeding their cattle was even a sufficient motive for removing their seats; and as they were ignorant of all the refinements of life, their wants and their possessions were equally scanty and limited.

The Britons were divided into many small nations or tribes; and being military people, whose sole property was their arms and their cattle, it was impossible, after they had acquired a relish of liberty, for their princes or chieftains to establish any despotic authority over them. Their governments, though monarchical (Diod. Sic., lib. iv.; Mela, lib. iii., cap. 6; Strabo, lib. iv.), were free, as well as those of all the Celtic nations; and the common people seem even to have enjoyed more liberty among them (Dion Cassius, lib. lxxv.), than among the nations of Gauls (Cæsar, lib. vi.), from whom they were descended. Each state was divided into factions within itself (Tacit. Agr.): it was agitated with jealousy or animosity against the neighbouring states; and while the arts of peace were yet unknown, wars were the chief occupation and object of ambition among the people.

The religion of the Britons was one of the most considerable parts of their government; and the Druids, who were their priests, possessed great authority among them. Besides ministering at the altar and directing all religious duties, they presided over the education of youth; they enjoyed an immunity from wars and taxes; they possessed both the civil and criminal jurisdiction; they decided all controversies among states as well as among private persons, and whoever refused to submit to their decree was exposed to the most severe penalties. The sentence of excommunication was pronounced against him; he was forbidden access to the sacrifices or public worship; he was debarred all intercourse with his fellow-citizens, even in the com-

mon affairs of life ; his company was universally shunned, as profane and dangerous ; he was refused the protection of law (Cæsar, lib. vi ; Strabo, lib. iv.) ; and death itself became an acceptable relief from the misery and infamy to which he was exposed. Thus the loose bands of government, among that rude and turbulent people, were happily corroborated by the terrors of their superstition.

No species of superstition was ever more terrible than that of the Druids. Besides the severe penalties which it was in the power of the ecclesiastics to inflict in this world, they inculcated the eternal transmigration of souls, and thereby extended their authority as far as the fears of their tumorous votaries. They practised their rites in dark groves or other secret recesses (Plin. lib. xii, cap. 1) ; and in order to throw a greater mystery over their religion, they communicated their doctrines only to the initiated, and strictly forbade the committing of them to writing, lest they should at any time be exposed to the examination of the profane vulgar. Human sacrifices were practised among them ; the spoils of war were often devoted to their divinities, and they punished with the severest tortures whoever dared to secrete any part of the consecrated offering. These treasures they kept in woods and forests, secured by no other guard than the terrors of their religion (Cæsar, lib. vi), and this steady conquest over human avidity may be regarded as more signal than their prompting men to the most extraordinary and most violent efforts. No idolatrous worship ever attained such an ascendancy over mankind as that of the ancient Gauls and Britons ; and the Romans, after their conquest, finding it impossible to reconcile those nations to the laws and institutions of their masters, while it maintained its authority, were at last obliged to abolish it by penal statutes : a violence which had never before been practised by those tolerating conquerors. (Sueton. in vita Claudii.)

THE ROMANS.—The Britons had long remained in this rude but independent state, when Cæsar, having overrun all Gaul by his victories, first cast his eye on their island. He was not allured either by its riches or its renown ; but being ambitious of carrying the Roman arms into a new world, then mostly unknown, he took advantage of a short interval in his Gaulic wars, and made an invasion on Britain. The natives, informed of his intention, were sensible of the unequal contest, and endeavoured to appease him by submissions, which, however, retarded not the execution of his design. After some resistance, he landed (A.C. 55), as is supposed, at Deal ; and having obtained several advantages over the Britons, and obliged them to promise hostages for their future obedience, he was constrained, by the necessity of his affairs and the approach of winter, to withdraw his forces into Gaul. The Britons, relieved from the terror of his arms, neglected the performance of their stipulations ; and that haughty conqueror resolved next summer to chastise them for this breach of treaty. He landed with a greater force ; and though he found a more regular resistance from the Britons, who had united under Cassivelaunus, one of their petty princes, he discomfited them in every action. He advanced into the country ; passed the Thames in the face of the enemy ; took and burned the capital of Cassivelaunus ; established his ally, Mandubratius, in the sovereignty of the Trinobantes ; and having

obliged the inhabitants to make him new submissions, he again returned with his army into Gaul, and left the authority of the Romans more nominal than real in this island.

The civil wars which ensued, and which prepared the way for the establishment of monarchy in Rome, saved the Britons from that yoke which was ready to be imposed upon them. Augustus, the successor of Cæsar, content with the victory obtained over the liberties of his own country, was little ambitious of acquiring fame by foreign wars; and being apprehensive lest the same unlimited extent of dominion which had subverted the republic might also overwhelm the empire, he recommended it to his successors never to enlarge the territories of the Romans. Tiberius, jealous of the fame which might be acquired by his generals, made this advice of Augustus a pretence for his inactivity (Tacit. Agr.). The mad sallies of Caligula, in which he menaced Britain with an invasion, served only to expose himself and the empire to ridicule, and the Britons had now, during almost a century, enjoyed their liberty unmolested, when the Romans, in the reign of Claudius, began to think seriously of reducing them under their dominion. Without seeking any more justifiable reasons of hostility than were employed by the late Europeans in subjecting the Africans and Americans, they sent (A.D. 43) over an army under the command of Plautius, an able general, who gained some victories, and made a considerable progress in subduing the inhabitants. Claudius himself finding matters sufficiently prepared for his reception, made a journey into Britain, and received the submission of several British states: the Cantii, Atrebatæ, Regni, and Trinobantes, who inhabited the south-east parts of the island, and whom their possessions and more cultivated manner of life rendered willing to purchase peace at the expense of their liberty. The other Britons, under the command of Caractacus, still maintained an obstinate resistance, and the Romans made little progress against them, till Ostorius Scapula was sent (A.D. 50) over to command their armies. This general advanced the Roman conquests over the Britons; pierced into the country of the Silures, a warlike nation who inhabited the banks of the Severn; defeated Caractacus in a great battle, took him prisoner, and sent him to Rome, where his magnanimous behaviour procured him better treatment than those conquerors usually bestowed on captive princes (Tacit. Ann., lib. xii.).

Notwithstanding these misfortunes, the Britons were not subdued; and this island was regarded by the ambitious Romans as a field in which military honour might still be acquired. Under the reign of Nero, Suetonius Paulinus was (A.D. 59) invested with the command, and prepared to signalise his name by victories over those barbarians. Finding that the island of Mona, now Anglesea, was the chief seat of the Druids, he resolved to attack it, and to subject a place which was the centre of their superstition, and which afforded a protection to all their baffled forces. The Britons endeavoured to obstruct his landing on this sacred island, both by the force of their arms and the terrors of their religion. The women and priests were intermingled with the soldiers upon the shore, and running about with flaming torches in their hands, and tossing their dishevelled hair, they struck



greater terror into the astonished Romans by their howlings, cries, and execrations, than the real danger from the armed forces was able to inspire. But Suetonius, exhorting his troops to despise the menaces of a superstition which they disdained, impelled them to the attack, drove the Britons off the field, burned the Druids in the same fires which those priests had prepared for their captive enemies, destroyed all the consecrated groves and altars; and having thus triumphed over the religion of the Britons, he thought his future progress would be easy in reducing the people to subjection. But he was disappointed in his expectations. The Britons, taking advantage of his absence, were all in arms; and headed by Boadicea, queen of the Iceni, who had been treated in the most ignominious manner by the Roman tribunes, had already attacked with success several settlements of their insulting conquerors. Suetonius hastened to the protection of London, which was already a flourishing Roman colony; but he found on his arrival that it would be requisite for the general safety to abandon that place to the merciless fury of the enemy. London was reduced to ashes, such of the inhabitants as remained in it were cruelly massacred; the Romans and all strangers, to the number of 70,000, were everywhere put to the sword without distinction; and the Britons, by rendering the war thus bloody, seemed determined to cut off all hopes of peace or composition with the enemy. But this cruelty was revenged by Suetonius in a great and decisive battle, where 80,000 of the Britons are said to have perished; and Boadicea herself, rather than fall into the hands of the enraged victor, put an end to her own life by poison (*Tacit. Ann.*, lib. xiv.). Nero soon after recalled Suetonius from a government, where, by suffering and inflicting so many severities, he was judged improper for composing the angry and alarmed minds of the inhabitants. After some interval, Cerealis received the command from Vespasian, and by his bravery propagated the terror of the Roman arms. Julius Frontinus succeeded Cerealis both in authority and reputation. but the general who finally established the dominion of the Romans in this island was Julius Agricola, who governed it in the reigns of Vespasian, Titus, and Domitian, and distinguished himself in that scene of action.

This great commander formed a regular plan for subduing Britain and rendering the acquisition useful to the conquerors. He carried his victorious arms northwards, defeated the Britons in every encounter, pierced into the inaccessible forests and mountains of Caledonia, reduced every state to subjection in the southern parts of the island, and chased before him all the men of fiercer and more intractable spirits, who deemed war and death itself less intolerable than servitude under the victors. He even defeated them in a decisive action which they fought under Galgacus, their leader, and having fixed a chain of garrisons between the Friths of Clyde and Forth, he thereby cut off the barren parts of the island, and secured the Roman province from the incursions of the barbarous inhabitants (*Tacit. Agr.*).

During these military enterprises he neglected not the arts of peace. He introduced laws and civility among the Britons, taught them to desire and raise all the conveniences of life, reconciled them

to the Roman language and manners, instructed them in letters and science, and employed every expedient to render those chains which he had forged both easy and agreeable to them (Tacit. Agr.). The inhabitants, having experienced how unequal their own force was to resist that of the Romans, acquiesced in their rule, and were gradually incorporated as a part of that mighty empire.

This was the last durable conquest made by the Romans; and Britain, once subdued, gave no further inquietude to the victor. Caledonia alone, defended by its barren mountains, and by the contempt which the Romans entertained for it, sometimes infested the more cultivated parts of the island by the incursions of its inhabitants. The better to secure the frontiers of the empire, Adrian, who visited this island, built a rampart between the river Tyne and the Frith of Solway; Lollius Urbicus, under Antoninus Pius, erected one in the place where Agricola had formerly established his garrisons; Severus, who made an expedition into Britain and carried his arms to the most northern extremity of it, added new fortifications to the wall of Adrian, and during the reigns of all the Roman emperors, such a profound tranquillity prevailed in Britain, that little mention is made of the affairs of that island by any historian. The only incidents which occur, are seditions or rebellions of the Roman legions quartered there, and usurpations of the imperial dignity by the Roman governors. The natives, disarmed, dispirited, and submissive, had lost all desire, and even idea, of their former liberty and independence.

But the period was now come when that enormous fabric of the Roman empire which had diffused slavery and oppression, together with peace and civility, over so considerable a part of the globe, was approaching towards its final dissolution. Italy, and the centre of the empire, removed, during so many ages, from all concern in the wars, had entirely lost the military spirit, and were peopled by an enervated race, equally disposed to submit to a foreign yoke or to the tyranny of their own rulers. The emperors found themselves obliged to recruit their legions from the frontier provinces where the genius of war, though languishing, was not totally extinct; and these mercenary forces, careless of laws and civil institutions, established a military government no less dangerous to the sovereign than to the people. The further progress of the same disorders introduced the bordering barbarians into the service of the Romans; and those fierce nations, having now added discipline to their native bravery, could no longer be restrained by the impotent policy of the emperors, who were accustomed to employ one in the destruction of the others. Sensible of their own force, and allured by the prospect of so rich a prize, the northern barbarians, in the reign of Arcadius and Honorius, assailed at once all the frontiers of the Roman empire; and having first satiated their avidity by plunder, began to think of fixing a settlement in the wasted provinces. The most distant barbarians, who occupied the deserted habitations of the former, advanced in their acquisitions, and pressed with their incumbent weight the Roman state, already unequal to the load which it sustained. Instead of arming the people in their own defence, the emperors recalled all the distant legions in whom alone they could repose confidence; and collected the whole military

force for the defence of the capital and centre of the empire. The necessity of self-preservation had superseded the ambition of power; and the ancient point of honour, never to contract the limits of the empire, could no longer be attended to in this desperate extremity.

Britain, by its situation was removed from the fury of these barbarous incursions, and being also a remote province, not much valued by the Romans, the legions which defended it were carried over to the protection of Italy and Gaul. But that province, though secured by the sea against the inroads of the greater tribes of barbarians, found enemies on its frontiers who took advantage of its present defenceless situation. The Picts and Scots who dwelt in the northern parts, beyond the wall of Antoninus, made incursions upon their peaceable and effeminate neighbours; and besides the temporary depredations which they committed, these combined nations threatened the whole province with subjection, or, what the inhabitants more dreaded, with plunder and devastation. The Picts seem to have been a tribe of the native British race, who, having been chased into the northern parts by the conquests of Agricola, had there intermingled with the ancient inhabitants: the Scots were derived from the same Celtic origin, had first been established in Ireland, had migrated to the north-west coasts of this island, and had long been accustomed, as well from their old as their new seats, to infest the Roman province by piracy and rapine.<sup>1</sup> These tribes, finding their more opulent

<sup>1</sup> This question has been disputed with as great zeal, and even acrimony, between the Scotch and Irish antiquaries, as if the honour of their respective countries were the most deeply concerned in the decision. We shall not enter into any detail on so uninteresting a subject, but shall propose our opinion in a few words. It appears more than probable, from the similitude of language and manners, that Britain either was originally peopled, or was subdued, by the migration of inhabitants from Gaul, and Ireland from Britain: the position of the several countries is an additional reason that favours this conclusion. It appears also probable, that the migrations of that colony of Gauls or Celts, who peopled or subdued Ireland, was originally made from the north-west parts of Britain, and this conjecture (if it do not merit a higher name) is founded both on the Irish language, which is a very different dialect from the Welsh, and from the language anciently spoken in South Britain, and on the vicinity of Lancashire, Cumberland, Galloway, and Argyleshire, to that island. These events, as they passed along before the age of history and records, must be known by reasoning alone, which in this case seems to be very satisfactory. Cæsar and Tacitus, not to mention a multitude of other Greek and Roman authors, were guided by like inferences. But besides these primitive facts, which lie in a very remote antiquity, it is a matter of positive and undoubted testimony, that the Roman province of Britain, during the time of the lower empire, was much infested by bands of robbers or pirates, whom the provincial Britons called Scots or Scuts, a name which was probably used as a term of reproach, and which these banditti themselves did not acknowledge or assume. We may infer from two passages in Claudian, and one from Orosius, and another in Isidore, that the chief seat of these Scots was in Ireland. That some parts of the Irish freebooters migrated back to the north-west parts of Britain, whence their ancestors had probably been derived in a more remote age, is positively asserted by Bede, and implied in Gildas. I grant that neither Bede nor Gildas are Cæsar or Tacitus, but such as they are, they remain the sole testimony on the subject, and therefore must be relied on for want of better. happily, the frivolousness of the question corresponds to the weakness of the authorities. Not to mention, that, if any part of the traditional history of a barbarous people can be relied on, it is the genealogy of nations, and even sometimes that of families. It is in vain to argue against these facts from the supposed warlike disposition of the Highlanders, and unwarlike of the ancient Irish. Those arguments are still much weaker than the authorities. Nations change very quickly in these particulars. The Britons were unable to resist the Picts and Scots, and invited over the Saxons for their defence, who repelled those invaders: yet the same Britons valiantly resisted, for 150 years, not only this victorious band of Saxons, but infinite numbers more who poured in upon them from all quarters. Robert Bruce, in 1322, made a peace, in which England, after many defeats, was constrained to acknowledge the independence of his country: yet in no more distant period than ten years after, Scotland was totally subdued by a small handful of English, led by a few private noblemen. All history is full of such events. The Irish Scots,

neighbours exposed to invasion, soon broke over the Roman wall, no longer defended by the Roman arms; and though a contemptible enemy in themselves, met with no resistance from the unwarlike inhabitants. The Britons, accustomed to have recourse to the emperors for defence as well as government, made supplications to Rome; and one legion was sent over for their protection. This force was an overmatch for the barbarians, repelled their invasion, routed them in every engagement, and having chased them into their ancient limits, returned in triumph to the defence of the southern provinces of the empire (Gildas, Bede, lib. 1. cap. 12; Paull. Diacon.) Their retreat brought on a new invasion of the enemy. The Britons made again an application to Rome, and again obtained the assistance of a legion, which proved effectual for their relief. but the Romans, reduced to extremities at home, and fatigued with those distant expeditions, informed the Britons that they must no longer look to them for succour, exhorted them to arm in their own defence, and urged, that as they were now their own masters, it became them to protect by their valour that independence which their ancient lords had conferred upon them (Bede, lib. 1. cap. 12). That they might leave the island with the better grace, the Romans assisted them in erecting anew the wall of Severus, which was built entirely of stone, and which the Britons had not at that time artificers skilful enough to repair (Ibid.) And having done this last good office to the inhabitants, they bid a final adieu to Britain about the year 448, after being masters of the more considerable part of it during the course of near four centuries.

THE BRITONS.—The abject Britons regarded this present of liberty as fatal to them; and were in no condition to put in practice the prudent counsel given them by the Romans, to arm in their own defence. Unaccustomed both to the perils of war and to the cares of civil government, they found themselves incapable of forming or executing any measures for resisting the incursions of the barbarians. Gratian, also and Constantine, two Romans who had a little before assumed the purple in Britain, had carried over to the continent the flower of the British youth; and having perished in their unsuccessful attempts on the imperial throne, had despoiled the island of those who in this desperate extremity were best able to defend it. The Picts and Scots, finding that the Romans had finally relinquished Britain, now regarded the whole as their prey, and attacked the northern wall with redoubled forces. The Britons, already subdued by their own fears, found the ramparts but a weak defence for them; and deserting their station, left the country entirely open to the inroads of the barbarous enemy. The invaders carried devastation and ruin along with them; and

in the course of two or three centuries might find time and opportunities sufficient to settle in North Britain, though we can neither assign the period nor causes of that revolution. Their barbarous manner of life rendered them much fitter than the Romans for subduing these mountaineers. And, in a word, it is clear, from the language of the two countries, that the Highlanders and the Irish are the same people, and that the one are a colony of the other. We have positive evidence, which, though from neutral persons, is not perhaps the best that may be wished for, that the former, in a third or fourth century sprang from the latter, we have no evidence at all that the latter sprang from the former. I shall add, that the name of Erse or Irish, given by the low country Scots to the language of the Scotch Highlanders, is a certain proof of the traditional opinion, delivered from father to son, that the latter people came originally from Ireland.

exerted to the utmost their native ferocity, which was not mitigated by the helpless condition and submissive behaviour of the inhabitants. (Gildas; Bede, lib. 1.; Ann. Beverl., p. 45) The unhappy Britons had a third time recourse to Rome, which had declared its resolution for ever to abandon them. Ætius, the patrician, sustained at that time by his valour and magnanimity the tottering ruins of the empire, and revived for a moment among the degenerate Romans the spirit, as well as discipline, of their ancestors. The British ambassadors carried to him the letter of their countrymen, which was inscribed, 'The Groans of the Britons.' The tenor of the epistle was suitable to its superscription. 'The barbarians,' say they, 'on the one hand, chase us into the sea; the sea, on the other, throws us back upon the barbarians; and we have only the hard choice left of perishing by the sword or by the waves.' (Gildas; Bede, lib. 1, cap. 13; Malms., lib. 1, cap. 1; Ann. Beverl., p. 45). But Ætius, pressed by the arms of Attila, the most terrible enemy that ever assailed the empire, had no leisure to attend to the complaints of allies whom generosity alone could induce him to assist. (Chron. Sax., p. 11, edit. 1692) The Britons, thus rejected, were reduced to despair, deserted their habitations, abandoned tillage, and flying for protection to the forests and mountains, suffered equally from hunger and from the enemy. The barbarians themselves began to feel the pressure of famine in a country which they had ravaged; and being harassed by the depressed Britons, who had not dared to resist them in a body, they retreated with their spoils into their own country (Ann. Beverl., p. 45)

The Britons, taking advantage of this interval, returned to their usual occupations; and the favourable seasons which succeeded seconded their industry, made them soon forget their past miseries, and restored to them great plenty of all the necessaries of life. No more can be imagined to have been possessed by a people so rude, who had riot, without the assistance of the Romans, art of masonry sufficient to raise a stone rampart for their own defence. Yet the monkish historians (Gildas; Bede, lib. 1, cap. 14) complain of the luxury of the Britons during this period, and ascribe to that vice, not to their cowardice or improvident counsels, all their subsequent calamities

The Britons, entirely occupied in the enjoyment of the present interval of peace, made no provision for resisting the enemy, who, invited by their former timid behaviour, soon threatened them with a new invasion. We are not exactly informed what species of civil government the Romans on their departure had left among the Britons, but it appears probable that the great men in the different districts assumed a kind of regal, though precarious, authority; and lived in a great measure independent of each other, (Gildas, Usher, Ant. Brit., p. 248, 347). To this disunion of counsels were also added the disputes of theology; and the disciples of Pelagius, who was himself a native of Britain, having increased to a great multitude, gave alarm to the clergy, who seem to have been more intent on suppressing them than on opposing the public enemy (Gildas; Bede, lib. 1, cap. 1; Constant. in vita Germ.). Labouring under these domestic evils, and menaced with a foreign invasion, the Britons attended only to the suggestions of their present fears; and following the counsels of Vortigern, prince of Dumnonium, who,

though stained with every vice, possessed the chief authority among them (Gildas, Gul Malm, p. 8), they sent into Germany a deputation to invite over the Saxons for their protection and assistance

THE SAXONS.—Of all the barbarous nations known either in ancient or modern times, the Germans seems to have been the most distinguished, both by their manners and political institutions, and to have carried to the highest pitch the virtues of valour and love of liberty; the only virtues which can have place among an uncivilized people where justice and humanity are commonly neglected. Kingly government, even when established among the Germans (for it was not universal), possessed a very limited authority; and though the sovereign was usually chosen from among the royal family, he was, directed in every measure by the common consent of the nation over whom he presided. When any important affair was transacted, all the warriors met in arms; the men of greatest authority employed persuasion to engage their consent, the people expressed their approbation by rattling their armour, or their dissent by murmurs; there was no necessity for a nice scrutiny of votes among a multitude who were usually carried with a strong current to one side or the other; and the measure thus suddenly chosen by general agreement, was executed with alacrity and prosecuted with vigour. Even in war, the princes governed more by example than by authority. But in peace, the civil union was in a great measure dissolved, and the inferior leaders administered justice after an independent manner, each in his particular district. These were elected by the votes of the people in their great councils, and though regard was paid to nobility in the choice, their personal qualities, chiefly their valour, procured them, from the suffrages of their fellow-citizens, that honourable but dangerous distinction. The warriors of each tribe attached themselves to their leader with the most devoted affection and most unshaken constancy. They attended him as his ornament in peace, as his defence in war, as his counsel in the administration of justice. Their constant emulation in military renown dissolved not that inviolable friendship which they professed to their chieftain and to each other. To die for the honour of their band was their chief ambition: to survive its disgrace, or the death of their leader, was infamous. They even carried into the field their women and children, who adopted all the martial sentiments of the men, and being thus impelled by every human motive, they were invincible; where they were not opposed either by the familiar manners and institutions of the neighbouring Germans, or by the superior discipline, arms, and numbers of the Romans (Cæsar, lib. vi; Tacit. de Mor. Germ.).

The leaders and their military companions were maintained by the labour of their slaves, or by that of the weaker and less warlike part of the community whom they defended. The contributions which they levied went not beyond a bare subsistence; and the honours, acquired by a superior rank, were the only reward of their superior dangers and fatigues. All the refined arts of life were unknown among the Germans: tillage itself was almost wholly neglected. They even seem to have been anxious to prevent any improvements of that nature, and the leaders, by annually distributing anew all the land among the inhabitants of each village, kept them from attaching themselves to particular

possessions, or making such progress in agriculture as might divert their attention from military expeditions, the chief occupation of the community (Cæsar, lib. vi., Tacit de Mor Germ.).

The Saxons had been for some time regarded as one of the most warlike tribes of this fierce people, and had become the terror of the neighbouring nations (Amm. Marcell, lib. xxviii.; Orosius). They had diffused themselves from the northern parts of Germany and the Cimbrian Chersonesus, and had taken possession of all the sea-coast, from the mouth of the Rhine to Jutland; whence they had long infested by their piracies all the eastern and southern parts of Britain, and the northern of Gaul (Amm. Marcell, lib. xxvii., cap. 7, lib. xxviii., cap. 7). In order to oppose their inroads, the Romans had established an officer, whom they called 'Count of the Saxon shore;' and as the naval arts can flourish among a civilized people alone, they seem to have been more successful in repelling the Saxons, than any of the other barbarians by whom they were invaded. The dissolution of the Roman power invited them to renew their inroads; and it was an acceptable circumstance, that the deputies of the Britons appeared among them, and prompted them to undertake an enterprize, to which they were of themselves sufficiently inclined (Will. Malm., p. 8).

Hengist and Horsa, two brothers, possessed great credit among the Saxons, and were much celebrated both for their valour and nobility. They were reputed, as most of the Saxon princes, to be sprung from Woden, who was worshipped as a god among those nations, and they are said to be his great-grandsons (Bede, lib. 1, cap. 15; Saxon Chron., p. 13, Nennius, cap. 28); a circumstance which added much to their authority. We shall not attempt to trace any higher the origin of those princes and nations. It is evident what fruitless labour it must be to search, in those barbarous and illiterate ages, for the annals of a people, when their first leaders, known in any true history, were believed by them to be the fourth in descent from a fabulous deity, or from a man exalted by ignorance into that character. The dark industry of antiquaries, led by imaginary analogies of names, or by uncertain traditions, would in vain attempt to pierce into that deep obscurity which covers the remote history of those nations.

These two brothers, observing the other provinces of Germany to be occupied by a warlike and necessitous people, and the rich provinces of Gaul already conquered or overrun by other German tribes, found it easy to persuade their countrymen to embrace the sole enterprize which promised a favourable opportunity of displaying their valour and gratifying their avidity. They embarked their troops in three vessels, and, about the year 449 or 450,<sup>1</sup> carried over 1600 men, who landed in the isle of Thanet, and immediately marched to the defence of the Britons against the northern invaders. The Scots and Picts were unable to resist the valour of these auxiliaries; and the Britons, applauding their own wisdom in calling over the Saxons, hoped thenceforth to enjoy security under the powerful protection of that warlike people.

But Hengist and Horsa perceiving, from their easy victory over the Scots and Picts, with what facility they might subdue the Britons them-

<sup>1</sup> Saxon Chron., p. 12; Gul. Malm., p. 11, Huntingdon, lib. 11, p. 309, Eshelwerd. Brompton, p. 728.

selves, who had not been able to resist those feeble invaders, were determined to conquer and fight for their own grandeur, not for the defence of their degenerate allies. They sent intelligence to Saxony of the fertility and riches of Britain; and represented as certain the subjection of a people so long disused to arms, who, being now cut off from the Roman empire, of which they had been a province during so many ages, had not yet acquired any union among themselves, and were destitute of all affection to their new liberties, and of all national attachments and regards (1 Chron. Sax., p. 12, Ann. Beverl., p. 49). The vices and pusillanimity of Vortigern, the British leader, were a new ground of hope; and the Saxons in Germany, following such agreeable prospects, soon reinforced Hengist and Horsa with 5000 men, who came over in seventeen vessels. The Britons now began to entertain apprehensions of their allies, whose numbers they found continually augmenting; but thought of no remedy, except a passive submission and connivance. This weak expedient soon failed them. The Saxons sought a quarrel, by complaining that their subsidies were ill paid, and their provisions withdrawn (Bede, lib. 1, cap. 15, Nennius, cap. 35, Gildas, § 23); and immediately taking off the mask, they formed an alliance with the Picts and Scots, and proceeded to open hostility against the Britons. ✓

The Britons, impelled by these violent extremities, and roused to indignation against their treacherous auxiliaries, were necessitated to take arms; and having deposed Vortigern, who had become odious from his vices, and from the bad event of his rash counsels, they put themselves under the command of his son Vortimer. They fought many battles with their enemies; and though the victories in these actions be disputed between the British and Saxon annalists, the progress still made by the Saxons proves that the advantage was commonly on their side. In one battle, however, fought at Eglesford, now Ailsford, Horsa, the Saxon general, was slain, and left the sole command over his countrymen in the hands of Hengist. This active general, continually reinforced by fresh numbers from Germany, carried devastation into the most remote corners of Britain; and being chiefly anxious to spread the terror of his arms, he spared neither age, nor sex, nor condition, wherever he marched with his victorious forces. The private and public edifices of the Britons were reduced to ashes. The priests were slaughtered on the altars by those idolatrous ravagers. The bishops and nobility shared the fate of the vulgar. The people, flying to the mountains and deserts, were intercepted and butchered in heaps. Some were glad to accept of life and servitude under their victors. Others, deserting their native country, took shelter in the province of Armorica; where, being charitably received by a people of the same language and manners, they settled in great numbers, and gave the country the name of Brittany<sup>1</sup>.

The British writers assign one cause which facilitated the entrance of the Saxons into this island; the love with which Vortigern was at first seized for Rowena, the daughter of Hengist, and which that artful warrior made use of to blind the eyes of the imprudent monarch (Nennius; Galfr., lib. vi., cap. 12). The same historians add, that Vor-

<sup>1</sup> Bede, lib. 1, cap. 15, Usher, p. 226, Gildas, § 24



timer died ; and that Vortigern, being restored to the throne, accepted of a banquet from Hengist, at Stonehenge, where 300 of his nobility were treacherously slaughtered, and himself detained captive (Nennius, cap. 47., Galf.) But these stories seem to have been invented by the Welsh authors, in order to palliate the weak resistance made at first by their countrymen, and to account for the rapid progress and licentious devastations of the Saxons (Stillfleet's Orig. Brit., p. 324, 325.)

After the death of Vortimer, Ambrosius, a Briton, though of Roman descent, was invested with the command over his countrymen, and endeavoured, not without success, to unite them in their resistance against the Saxons. Those contests increased the animosity between the two nations, and roused the military spirit of the ancient inhabitants, which had before been sunk into a fatal lethargy. Hengist, however, notwithstanding their opposition, still maintained his ground in Britain ; and in order to divide the forces and attention of the natives, he called over a new tribe of Saxons, under the command of his brother Octa, and of Ebissa, the son of Octa ; and he settled them in Northumberland. He himself remained in the southern parts of the island, and laid the foundation of the kingdom of Kent, comprehending the county of that name, Middlesex, Essex, and part of Surrey. He fixed his royal seat at Canterbury, where he governed about forty years, and he died in or near the year 488, leaving his new-acquired dominions to his posterity.

The success of Hengist excited the avidity of the other northern Germans ; and at different times, and under different leaders, they flocked over in multitudes to the invasion of this island. These conquerors were chiefly composed of three tribes, the Saxons, Angles, and Jutes,<sup>1</sup> who all passed under the common appellation, sometimes of Saxons, sometimes of Angles ; and speaking the same language, and being governed by the same institutions, they were naturally led, from these causes, as well as from their common interest, to unite themselves against the ancient inhabitants. The resistance however, though unequal, was still maintained by the Britons, but became every day more feeble, and their calamities admitted of few intervals, till they were driven into Cornwall and Wales, and protected by the remote situation or inaccessible mountains of those countries.

The first Saxon state, after that of Kent, which was established in Britain, was the kingdom of South Saxony. In the year 477 (Chron. Sax. p. 14 ; Ann. Beverl., p. 81), Ælla, a Saxon chief, brought over an army from Germany, and landing on the southern coast, proceeded to take possession of the neighbouring territory. The Britons, now armed, did not tamely abandon their possessions, nor were they expelled, till defeated in many battles by their warlike invaders. The most memorable action, mentioned by historians, is that of Mearcresdes-Burn (Saxon Chron. A.D. 485 ; Flor. Wigorn.) ; where, though the Saxons seem to have obtained the victory, they suffered so considerable a loss, as somewhat retarded the progress of their conquests. But Ælla, reinforced by fresh numbers of his countrymen, again took

<sup>1</sup> Bede, lib. 1, cap. 15, Ethelwerd, p. 833, edit. Camdeni ; Chron. Sax. p. 12 ; Ann. Beverl. p. 78. The inhabitants of Kent and the Isle of Wight were Jutes. Essex, Middlesex, Surrey, Sussex, and all the southern counties to Cornwall, were peopled by Saxons ; Mercia, and other parts of the kingdom, were inhabited by Angles.

#### 14 *The Britons strive to maintain their Independence.*

the field against the Britons, and laid siege to Andred-Ceaster, which was defended by the garrison and inhabitants with desperate valour (Hen. Hunting., lib. ii.). The Saxons, enraged by this resistance, and by the fatigues and dangers which they had sustained, redoubled their efforts against the place, and when masters of it, put all their enemies to the sword without distinction. This decisive advantage secured the conquests of Ælla, who assumed the name of king, and extended his dominion over Sussex and a great part of Surrey. He was stopped in his progress to the east by the kingdom of Kent; in that to the west by another tribe of Saxons, who had settled there.

The Saxons, from the situation of the country in which they settled, were called the West Saxons, and landed in the year 495, under the command of Cerdic, and of his son Kenric (Will. Malm., lib. i., cap. 1, p. 12; Chron. Sax., p. 15). The Britons were, by past experience, so much on their guard, and so well prepared to receive the enemy, that they gave battle to Cerdic the very day of his landing; and though vanquished, still defended for some time their liberties against the invaders. None of the other tribes of Saxons met with such vigorous resistance, or exerted such valour and perseverance in pushing their conquests. Cerdic was even obliged to call for the assistance of his countrymen from the kingdoms of Kent and Sussex, as well as from Germany, and he was thence joined by a fresh army under the command of Porte, and of his sons Bleda and Megla (Chron. Sax., p. 17). Strengthened by these succours, he fought, in the year 508, a desperate battle with the Britons, commanded by Nazan-Leod, who was victorious in the beginning of the action, and routed the wing in which Cerdic himself commanded, but Kenric, who had prevailed in the other wing, brought timely assistance to his father, and restored the battle, which ended in a complete victory gained by the Saxons (H. Hunting., lib. ii.; Ethelweid, lib. i.; Chron. Sax., p. 17). Nazan-Leod perished, with 5000 of his army; but left the Britons more weakened than discouraged by his death. The war still continued, though the success was commonly on the side of the Saxons, whose short swords, and close manner of fighting, gave them great advantage over the missile weapons of the Britons. Cerdic was not wanting to his good fortune, and in order to extend his conquests, he laid siege to Mount Badon or Banerdowne near Bath, whither the most obstinate of the discomfited Britons had retired. The southern Britons, in this extremity, applied for assistance to Arthur, Prince of the Silures, whose heroic valour now sustained the declining fate of his country (Hunting., lib. ii.). This is that Arthur so much celebrated in the songs of Thalesin, and the other British bards, and whose military achievements have been blended with so many fables, as even to give occasion for entertaining a doubt of his real existence. But poets, though they disfigure the most certain history by their fictions, and use strange liberties with truth, where they are the sole historians, as among the Britons, have commonly some foundation for their widest exaggerations. Certain it is, that the siege of Badon was raised by the Britons in the year 520, and the Saxons were there discomfited in a great battle (Gildas; Saxon Chron.; H. Hunting., lib. ii.). This misfortune stopped the progress of Cerdic, but was not sufficient to

wrest from him the conquests which he had already made. He and his son, Kenric, who succeeded him, established the kingdom of the West Saxons, or of Wessex, over the counties of Hants, Dorset, Wilts, Berks, and the Isle of Wight, and left their new-acquired dominions to their posterity. Cerdic died in 534, Kenric in 560.

While the Saxons made this progress in the south, their countrymen were not less active in other quarters. In the year 527, a great tribe of adventurers, under several leaders, landed on the east coast of Britain; and after fighting many battles, of which history has preserved no particular account, they established three new kingdoms in this island. Uffa assumed the title of king of the East Angles in 575; Crida that of Mercia in 585 (*Math. West.*; *Huntingdon*, lib. 11.); and Erkenwin that of East Saxony or Essex nearly about the same time, but the year is uncertain. The latter kingdom was dismembered from that of Kent, and comprehended Essex, Middlesex, and part of Hertfordshire. That of the East Angles, the counties of Cambridge, Suffolk, and Norfolk. Mercia was extended over all the middle counties, from the Severn, to the frontiers of these kingdoms.

The Saxons, soon after the landing of Hengist, had been planted in Northumberland; but, as they met with an obstinate resistance, and made but small progress in subduing the inhabitants, their affairs were in so unsettled a condition, that none of their princes for a long time assumed the appellation of king. At last, in 547 (*Chron. Sax.*, p. 19), Ida, a Saxon prince of great valour (*Will. Malm.*, p. 19), who claimed a descent, as did all the other princes of that nation, from Woden, brought over a reinforcement from Germany, and enabled the Northumbrians to carry on their conquests over the Britons. He entirely subdued the county now called Northumberland, the bishopric of Durham, as well as some of the south-east counties of Scotland; and he assumed the crown under the title of king of Bernicia. Nearly about the same time, Ælla, another Saxon prince, having conquered Lancashire, and the greater part of Yorkshire, received the appellation of king of Deira (*Ann. Beverl.*, p. 78). These two kingdoms were united in the person of Ethelfrid, grandson of Ida, who married Acca, the daughter of Ælla; and expelling her brother Edwin, established one of the most powerful of the Saxon kingdoms, by the title of Northumberland. How far his dominions extended into the country now called Scotland is uncertain; but it cannot be doubted, that all the lowlands, especially the east coast of that country, were peopled in a great measure from Germany; though the expeditions, made by the several Saxon adventurers, have escaped the records of history. The language spoken in those countries, which is purely Saxon, is a stronger proof of this event, than can be opposed by the imperfect, or rather fabulous annals, which are obtruded on us by the Scottish historians.

**THE HEPTARCHY**—Thus was established, after a violent contest of near a hundred and fifty years, the Heptarchy, or seven Saxon kingdoms, in Britain, and the whole southern part of the island, except Wales and Cornwall, had totally changed its inhabitants, language, customs, and political institutions. The Britons, under the Roman dominion, had made such advances towards art and civil manners, that they had built twenty-eight considerable cities within their pro-

vince, besides a great number of villages and country seats (Gildas ; Bede, lib. 1.). But the fierce conquerors, by whom they were now subdued, threw everything back into ancient barbarity; and those few natives, who were not either massacred or expelled their habitations, were reduced to the most abject slavery. None of the other northern conquerors, the Franks, Goths, Vandals, or Burgundians, though they overran the southern provinces of the empire like a mighty torrent, made such devastations in the conquered territories, or were inflamed into so violent an animosity against the ancient inhabitants. As the Saxons came over at intervals in separate bodies, the Britons, however at first unwarlike, were tempted to make resistance; and hostilities being thereby prolonged, proved more destructive to both parties, especially to the vanquished. The first invaders from Germany, instead of excluding other adventurers, who must share with them the spoils of the ancient inhabitants, were obliged to solicit fresh supplies from their own country; and a total extermination of the Britons become the sole expedient for providing a settlement and subsistence to the new planters. Hence there have been found in history few conquests more ruinous than that of the Saxons, and few revolutions more violent than that which they introduced.

So long as the contest was maintained with the natives, the several Saxon princes preserved a union of counsels and interests, but after the Britons were shut up in the barren countries of Cornwall and Wales, and gave no further disturbance to the conquerors, the band of alliance was in a great measure dissolved among the princes of the Heptarchy. Though one prince seems still to have been allowed, or to have assumed, an ascendant over the whole, his authority, if it ought ever to be deemed regular or legal, was extremely limited; and each state acted as if it had been independent, and wholly separate from the rest. Wars, therefore, and revolutions and dissensions were unavoidable among a turbulent and military people and these events, however intricate or confused, ought now to become the objects of our attention. But, added to the difficulty of carrying on at once the history of seven independent kingdoms, there is great discouragement to a writer, arising from the uncertainty, at least barrenness, of the accounts transmitted to us. The monks, who were the only annalists during those ages, lived remote from public affairs, considered the civil transactions as entirely subordinate to the ecclesiastical, and, besides partaking of the ignorance and barbarity which were then universal, were strongly infected with credulity, with the love of wonder, and with a propensity to imposture; vices almost inseparable from their profession and manner of life. The history of that period abounds in names, but is extremely barren of events, or the events are related so much without circumstances and causes, that the most profound or most eloquent writer must despair of rendering them either instructive or entertaining to the reader. Even the great learning and vigorous imagination of Milton sunk under the weight; and this author scruples not to declare that the skirmishes of kites or crows as much merited a particular narrative as the confused transactions and battles of the Saxon heptarchy (Milton in Kennet, p. 120, Ed. 1870). In order, however, to connect the events in some tolerable measure, we shall

give a succinct account of the successions of kings, and of the more remarkable revolutions in each particular kingdom; beginning with that of Kent, which was the first established

THE KINGDOM OF KENT.—Escus succeeded his father, Hengist, in the kingdom of Kent; but seems not to have possessed the military genius of that conqueror, who first made way for the entrance of the Saxon arms into Britain. All the Saxons, who sought either the fame of valour, or new establishment by arms, flocked to the standard of Ælla, King of Sussex, who was carrying on successful war against the Britons, and laying the foundations of a new kingdom. Escus was content to possess in tranquillity the kingdom of Kent, which he left in 512 to his son Octa, in whose time the East Saxons established their monarchy, and dismembered the provinces of Essex and Middlesex from that of Kent. His death, after a reign of twenty-two years, made room for his son Hermenric in 534, who performed nothing memorable during a reign of thirty-two years, except associating with him his son Ethelbert in the government, that he might secure the succession in his family, and prevent such revolutions as are incident to a turbulent and barbarous monarchy.

Ethelbert revived the reputation of his family, which had languished for some generations. The inactivity of his predecessors, and the situation of his country, secured from all hostility with the Britons, seem to have much enfeebled the warlike genius of the Kentish Saxons; and Ethelbert, in his first attempt to aggrandize his country and distinguish his own name, was unsuccessful (*Chron. Sax. p. 21*). He was twice discomfited in battle by Ceaulin, King of Wessex; and obliged to yield the superiority in the heptarchy to that ambitious monarch, who preserved no moderation in his victory, and by reducing the kingdom of Sussex to subjection, excited jealousy in all the other princes. An association was formed against him; and Ethelbert, entrusted with the command of the allies, gave him battle and gained a decisive victory (*H. Hunting, lib. 11.*) Ceaulin died soon after, and Ethelbert succeeded as well to his ascendant among the Saxon states as to his other ambitious projects. He reduced all the princes except the King of Northumberland, to a strict dependence upon him; and even established himself by force on the throne of Mercia, the most extensive of the Saxon kingdoms. Apprehensive, however, of a dangerous league against him, like that by which he himself had been enabled to overthrow Ceaulin, he had the prudence to resign the kingdom of Mercia to Webba, the rightful heir, the son of Crida, who had first founded that monarchy. But governed still by ambition more than by justice, he gave Webba possession of the crown on such conditions as rendered him little better than a tributary prince under his artful benefactor.

But the most memorable event which distinguished the reign of this great prince, was the introduction of the Christian religion among the English Saxons. The superstition of the Germans, particularly that of the Saxons, was of the grossest and most barbarous kind; and being founded on traditional tales received from their ancestors, not reduced to any systems, not supported by political institutions like that of the Druids, it seems to have made little impression on its votaries, and to

have easily resigned its place to the new doctrine promulgated to them. Woden, whom they deemed the ancestor of all their princes, was regarded as the god of war, and by a natural consequence became their supreme deity and the chief object of their religious worship. They believed that if they obtained the favour of this divinity by their valour (for they made less account of the other virtues), they should be admitted after their death into his hall ; and reposing on couches, should satiate themselves with ale from the skulls of their enemies whom they had slain in battle. Incited by this idea of paradise, which gratified at once the passion of revenge and that of intemperance, the ruling inclinations of barbarians, they despised the dangers of war and increased their native ferocity against the vanquished by their religious prejudices. We know little of the other theological tenets of the Saxons we only learn that they were polytheists, that they worshipped the sun and moon, that they adored the god of thunder, under the name of Thor, that they had images in their temples ; that they practised sacrifices ; believed firmly in spells and enchantments ; and admitted in general a system of doctrines which they held sacred, but which, like other superstitions, carry the air of wild extravagance, if propounded to those who are not familiarised to it from their earliest infancy.

The constant hostilities which the Saxons maintained against the Britons, would naturally indispose them for receiving the Christian faith when preached to them by such inveterate enemies, and perhaps the Britons, as is objected to them by Gildas and Bede, were not overfond of communicating to their cruel invaders the doctrine of eternal life and salvation. But as a civilized people, however subdued by arms, still maintain a sensible superiority over barbarous and ignorant nations, all the other northern conquerors of Europe had been already induced to embrace the Christian faith which they found established in the empire ; and it was impossible but the Saxons, informed of this event, must have regarded with some degree of veneration a doctrine which had acquired the ascendant over all their brethren. However limited in their views, they could not but have perceived a degree of cultivation in the southern countries beyond what they themselves possessed, and it was natural for them to yield to that superior knowledge as well as zeal by which the inhabitants of the Christian kingdoms were even at that time distinguished.

But these causes might long have failed of producing any considerable effect, had not a favourable incident prepared the means of introducing Christianity into Kent. Ethelbert, in his father's lifetime, had married Bertha, the only daughter of Caribert, king of Paris (Greg. of Tours, lib. ix., cap. 26 ; H. Hunting, lib. ii.), one of the descendants of Clovis, the conqueror of Gaul ; but before he was admitted to this alliance he was obliged to stipulate that the princess should enjoy the free exercise of her religion ; a concession not difficult to be obtained from the idolatrous Saxons (Bede, lib. i., cap. 25 ; Brompton, p. 729). Bertha brought over a French bishop to the court of Canterbury ; and being zealous for the propagation of her religion, she had been very assiduous in her devotional exercises, had supported the credit of her faith by an irreproachable conduct, and had employed every art of insinuation and address to reconcile her husband to her religious principles. Her

popularity in the court, and her influence over Ethelbert, had so well paved the way for the reception of the Christian doctrine, that Gregory, surnamed the Great, then Roman pontiff, began to entertain hopes of effecting a project which he himself, before he mounted the papal throne, had once embraced, of converting the British Saxons.

It happened that this prelate, at that time in a private station, had observed in the market-place of Rome some Saxon youth exposed to sale, whom the Roman merchants in their trading voyages to Britain had bought of their mercenary parents. Struck with the beauty of their fair complexions and blooming countenances, Gregory asked, to what country they belonged; and being told they were 'Angles,' he replied that they ought more properly to be denominated angels. It were a pity that the prince of darkness should enjoy so fair a prey, and that so beautiful a frontispiece should cover a mind destitute of internal grace and righteousness. Inquiring further concerning the name of their province, he was informed that it was Deiri, a district of Northumberland. 'Deiri' replied he, 'that is good.' They are 'called to the mercy of God from His anger, De ira. But what is the name of the king of that province?' He was told it was Ælla or Alla. 'Allelujah,' cried he, 'we must endeavour that the praises of God be sung in their country.' Moved by these allusions, which appeared to him so happy, he determined to undertake himself a mission into Britain; and having obtained the Pope's approbation, he prepared for that perilous journey: but his popularity at home was so great, that the Romans, unwilling to expose him to such dangers, opposed his design; and he was obliged for the present to lay aside all further thoughts of executing that pious purpose (Bede, lib. ii., cap. 1; Spell. Conc., p. 91).

The controversy between the pagans and the Christians was not entirely cooled in that age; and no pontiff before Gregory had ever carried to greater excess an intemperate zeal against the former religion. He had waged war with all the precious monuments of the ancients and even with their writings; which, as appears from the strain of his own writ, as well as from the style of his compositions, he had not taste or genius sufficient to comprehend. Ambitious to distinguish his pontificate by the conversion of the British Saxons, he pitched on Augustine, a Roman monk, and sent him with forty associates to preach the gospel in this island. These missionaries, terrified with the dangers which might attend their proposing a new doctrine to so fierce a people, of whose language they were ignorant, stopped some time in France, and sent back Augustine to lay the hazards and difficulties before the Pope and crave his permission to desist from the undertaking. But Gregory exhorted them to persevere in their purpose, advised them to choose some interpreters from among the Franks, who still spoke the same language with the Saxons (Bede, lib. i., cap. 23), and recommended them to the good offices of Queen Brunehaut, who had at this time usurped the sovereign power in France. This princess, though stained with every vice of treachery and cruelty, either possessed or pretended great zeal for the cause; and Gregory acknowledged that to her friendly assistance was, in a great measure, owing the success of that undertaking (Greg. Epist., lib. ix., epist. 56; Spell. Conc., p. 82).

Augustine on his arrival in Kent, in the year 597 (Higden; Polychron., lib. v.; Chron. Sax., p. 23), found the danger much less than he had apprehended. Ethelbert, already well-disposed towards the Christian faith, assigned him a habitation in the Isle of Thanet, and soon after admitted him to a conference. Apprehensive, however, lest spells or enchantments might be employed against him by priests who brought an unknown worship from a distant country, he had the precaution to receive them in the open air, where he believed the force of their magic would be more easily dissipated.<sup>1</sup> Here Augustine, by means of his interpreters, delivered to him the tenets of the Christian faith, and promised him eternal joys above and a kingdom in heaven without end, if he would be persuaded to receive that salutary doctrine (Bede, lib. i., cap. 25; Chron. W. Thorn, p. 1759). 'Your words and promises,' replied Ethelbert, 'are fair; but because they are new and uncertain, I cannot entirely yield to them and relinquish the principles which I and my ancestors have so long maintained. You are welcome, however, to remain here in peace; and as you have undertaken so long a journey, solely, as it appears, for what you believe to be for our advantage, I will supply you with all necessaries, and permit you to deliver your doctrine to my subjects.'<sup>2</sup>

Augustine, encouraged by this favourable reception, and seeing now a prospect of success, proceeded with redoubled zeal to preach the gospel to the Kentish Saxons. He attracted their attention by the austerity of his manners, by the severe penances to which he subjected himself, by the abstinence and self-denial which he practised. And having excited their wonder by a course of life which appeared so contrary to nature, he procured more easily their belief of miracles which it was pretended he wrought for their conversion (Bede, lib. i., cap. 26). Influenced by these motives, and by the declared favour of the court, numbers of Kentish men were baptized, and the king himself was persuaded to submit to that rite of Christianity. His example had great influence with his subjects; but he employed no force to bring them over to the new doctrine. Augustine thought proper in the commencement of his mission to assume the appearance of the greatest lenity. He told Ethelbert that the service of Christ must be entirely voluntary, and that no violence ought ever to be used in propagating so salutary a doctrine (Ibid, cap. 26, H. Hunting., lib. iii.).

The intelligence received of these spiritual conquests afforded great joy to the Romans, who now exulted as much in those peaceful trophies as their ancestors had ever done in their most sanguinary triumphs and most splendid victories. Gregory wrote a letter to Ethelbert, in which, after informing him that the end of the world was approaching, he exhorted him to display his zeal in the conversion of his subjects, to exert rigour against the worship of idols, and to build up the good work of holiness by every expedient of exhortation, terror, blandishment, or correction:<sup>3</sup> a doctrine more suitable to

<sup>1</sup> Bede, lib. i., cap. 25, H. Huntingdon, lib. iii., Brompton, p. 729, Parker Antiq. Brit. Eccl., p. 61.

<sup>2</sup> Bede, lib. i., cap. 25, H. Hunting., lib. 3, Brompton, p. 729.

<sup>3</sup> Bede, lib. i., cap. 32, Brompton, p. 732, Spell Conc., p. 86.



that age and to the usual papal maxims than the tolerating principles which Augustine had thought it prudent to inculcate. The pontiff also answered some questions which the missionary had put concerning the government of the new church of Kent. Besides other queries, which it is not material here to relate, Augustine asked, 'Whether cousins-german might be allowed to marry?' Gregory answered, 'That that liberty had indeed been formerly granted by the Roman law; but that experience had shown that no issue could ever come from such marriages; and he therefore prohibited them.' Augustine asked, 'Whether a woman pregnant might be baptized?' Gregory answered, 'That he saw no objection' 'How soon after the birth might the child receive baptism?' It was answered, 'Immediately, if necessary.'<sup>1</sup> There are some other questions and replies still more indecent and more ridiculous. And on the whole it appears that Gregory and his missionary, if sympathy of manners have any influence, were better calculated than men of more refined understandings for making a progress with the ignorant and barbarous Saxons.

The more to facilitate the reception of Christianity, Gregory enjoined Augustine to remove the idols from the heathen altars, but not to destroy the altars themselves; 'because the people,' he said, 'would be allured to frequent the Christian worship when they found it celebrated in a place which they were accustomed to revere. And as the pagans practised sacrifices, and feasted with the priests on their offerings, he also exhorted the missionary to persuade them, on Christian festivals, to kill their cattle in the neighbourhood of the church, and to indulge themselves in those cheerful entertainments to which they had been habituated.'<sup>2</sup> These political compliances show that notwithstanding his ignorance and prejudices, he was not unacquainted with the arts of governing mankind. Augustine was consecrated archbishop of Canterbury, was endowed by Gregory with authority over all the British churches, and received the pall, a badge of ecclesiastical honour, from Rome (*Chron. Sa.* p. 23, 24). Gregory also advised him not to be too much elated with his gift of working miracles;<sup>3</sup> and as Augustine, proud of the success of his mission, seemed to think himself entitled to extend his authority over the bishops of Gaul, the Pope informed him that they lay entirely without the bounds of his jurisdiction (*Bede*, lib. i., cap. 27).

The marriage of Ethelbert with Bertha, and much more his embracing Christianity, begat a connection of his subjects with the French, Italians, and other nations on the continent, and tended to reclaim them from that gross ignorance and barbarity in which all the Saxon tribes had been hitherto involved (*Wil. Malm.*, p. 10). Ethelbert also enacted (*Wilkins Leges Sax.*, p. 13), with the consent of the states of his kingdom, a body of laws, the first written laws promulgated by any of the northern conquerors, and his reign was in every respect glorious to himself and beneficial to his people. He governed the kingdom of Kent fifty years, and dying in 616, left the succession to his son, Eadwald. This prince, seduced by a passion for his mother-

<sup>1</sup> *Bede*, lib. i., cap. 27, *Spell Conc.*, pp. 97, 98, 99, etc.

<sup>2</sup> *Bede*, lib. i., cap. 30, *Spell Conc.*, p. 89; *Greg. Epist.*, lib. ix., epist. 71.

<sup>3</sup> *H. Hunting.*, lib. iii., *Spell Conc.*, p. 83; *Bede*, lib. i.; *Greg. Epist.*, lib. ix., epist. 60.

in-law, deserted for some time the Christian faith, which permitted not these incestuous marriages: his whole people immediately returned with him to idolatry. Laurentius, the successor of Augustine, found the Christian worship wholly abandoned, and was prepared to return to France in order to escape the mortification of preaching the gospel without fruit to the infidels. Mellitus and Justus, who had been consecrated bishops of London and Rochester, had already departed the kingdom (Bede, lib. ii., cap. 5); when Laurentius, before he should entirely abandon his dignity, made one effort to reclaim the king. He appeared before that prince, and throwing off his vestments, showed his body all torn with bruises and stripes which he had received. Eadbald, wondering that any man should have dared to treat in that manner a person of his rank, was told by Laurentius that he had received this chastisement from St. Peter, the prince of the apostles, who had appeared to him in a vision, and severely reproving him for his intention to desert his charge, had inflicted on him these visible marks of his displeasure.<sup>1</sup> Whether Eadbald was struck with the miracle, or influenced by some other motive, he divorced himself from his mother-in-law, and returned to the profession of Christianity (Brompton, p. 739); his whole people returned with him. Eadbald reached not the fame or authority of his father, and died in 640, after a reign of twenty-five years; leaving two sons, Erminfrid and Ercombert.

Ercombert, though the younger son, by Emma, a French princess, found means to mount the throne. He is celebrated by Bede for two exploits: for establishing the fast of Lent in his kingdom, and for utterly extirpating idolatry; which, notwithstanding the prevalence of Christianity, had hitherto been tolerated by the two preceding monarchs. He reigned twenty-four years; and left the crown to Egbert his son, who reigned nine years. This prince is renowned for his encouragement of learning, but infamous for putting to death his two cousins-german, sons of Erminfrid, his uncle. The ecclesiastical writers praise him for his bestowing on his sister, Domnona, some lands in the Isle of Thanet, where she founded a monastery.

The bloody precaution of Egbert could not fix the crown on the head of his son Edric. Lothaire, brother of the deceased prince, took possession of the kingdom; and, in order to secure the power in his family, he associated with him Richard, his son, in the administration of the government. Edric, the dispossessed prince, had recourse to Edilwach, King of Sussex, for assistance, and being supported by that prince, fought a battle with his uncle, who was defeated and slain. Richard fled into Germany, and afterwards died in Lucca, a city of Tuscany. William of Malmesbury ascribes Lothaire's bad fortune to two crimes: his concurrence in the murder of his cousins, and his contempt for relics (Wil. Malm., p. 11).

Lothaire reigned eleven years; Edric, his successor, only two. Upon the death of the latter, which happened in 686, Widred, his brother, obtained possession of the crown. But as the succession had been of late so much disjointed by revolutions and usurpations, faction began to prevail among the nobility, which invited Cedwalla, king of Wessex,

<sup>1</sup> Bede, cap. 6, Chron. Sax., p. 26, Higden, lib. v.

with his brother Mollo, to attack the kingdom. These invaders committed great devastations in Kent; but the death of Mollo, who was slain in a skirmish (Higden, lib. vi.), gave a short breathing-time to that kingdom. Widred restored the affairs of Kent; and after a reign of thirty-two years (Chron. Sax., p. 52), left the crown to his posterity. Eadbert, Ethelbert, and Alric, his descendants, successively mounted the throne. After the death of the last, which happened in 794, the royal family of Kent was extinguished; and every factious leader who could entertain hopes of ascending the throne, threw the state into confusion (Wil. Malm., lib. i., cap. i., p. 11). Egbert, who first succeeded, reigned but two years; Cuthred, brother to the king of Mercia, six years; Baldred, an illegitimate branch of the royal family, eighteen; and after a troublesome and precarious reign, he was, in the year 723, expelled by Egbert, King of Wessex, who dissolved the Saxon heptarchy, and united the several kingdoms under his dominion.

THE KINGDOM OF NORTHUMBERLAND.—Adelfrid, King of Bernicia, having married Acca, the daughter of Ælla, King of Deira, and expelled her infant brother, Edwin, had united all the counties north of Humber into one monarchy, and acquired a great ascendant in the heptarchy. He also spread the terror of the Saxon arms to the neighbouring people; and by his victories over the Scots and Picts, as well as the Welsh, extended on all sides the bounds of his dominions. Having laid siege to Chester, the Britons marched out with all their forces to engage him; and they were attended by a body of 1250 monks from the monastery of Bangor, who stood at a small distance from the field of battle, in order to encourage the combatants by their presence and exhortations. Adelfrid inquiring the purpose of this unusual appearance, was told that these priests had come to pray against him: 'Then are they as much our enemies,' said he, 'as those who intend to fight against us' (Brompton, p. 779). And he immediately sent a detachment, who fell upon them and did such execution that only fifty escaped with their lives (Trivet, apud Spell.; Conc., p. 111). The Britons, astonished at this event, received a total defeat; Chester was obliged to surrender; and Adelfrid, pursuing his victory, made himself master of Bangor, and entirely demolished the monastery, a building so extensive that there was a mile's distance from one gate of it to another; and it contained two thousand one hundred monks, who are said to have been there maintained by their own labour (Bede, lib. ii., cap. 2; W. Malm., lib. i., cap. 3).

Notwithstanding Adelfrid's success in war, he lived in inquietude, on account of young Edwin, whom he had unjustly dispossessed of the crown of Deira. This prince, now grown to man's estate, wandered from place to place, in continual danger from the attempts of Adelfrid; and received at last protection in the court of Redwald, King of the East Angles, where his engaging and gallant deportment procured him general esteem and affection. Redwald, however, was strongly solicited by the King of Northumberland to kill or deliver up his guest; rich presents were promised him if he would comply, and war denounced against him in case of his refusal. After rejecting several messages of this kind, his generosity began to yield to the motives of interest: and he retained the last ambassador till he should come to

## 24 *Edwin the greatest Prince of the Saxon Heptarchy.*

a resolution in a case of such importance. Edwin, informed of his friend's perplexity, was yet determined at all hazards to remain in East Anglia; and thought that if the protection of that court failed him, it were better to die than prolong a life so much exposed to the persecutions of his powerful rival. This confidence in Redwald's honour and friendship, with his other accomplishments, engaged the queen on his side; and she effectually represented to her husband the infamy of delivering up to certain destruction their royal guest, who had fled to them for protection against his cruel and jealous enemies.<sup>1</sup> Redwald, embracing more generous resolutions, thought it safest to prevent Adelfrid, before that prince was aware of his intention, and to attack him while he was yet unprepared for defence. He marched suddenly, with an army, into the kingdom of Northumberland, and fought a battle with Adelfrid, in which that monarch was defeated and killed, after avenging himself by the death of Regner, son of Redwald (Bede, lib. ii., cap. 12; Brompton, p. 781). His own sons, Eanfred, Oswald, and Oswy, yet infants, were carried into Scotland; and Edwin obtained possession of the crown of Northumberland.

Edwin was the greatest prince of the heptarchy in that age, and distinguished himself, both by his influence over the other kingdoms (Chron. Sax., p. 27), and by the strict execution of justice in his own dominions. He reclaimed his subjects from the licentious life to which they had been accustomed; and it was a common saying, that during his reign a woman or child might openly carry everywhere a purse of gold without any danger of violence or robbery. There is a remarkable instance transmitted to us of the affection borne him by his servants. Cuicelme, King of Wessex, was his enemy, but finding himself unable to maintain open war against so gallant and powerful a prince, he determined to use treachery against him, and he employed one Eumer for that criminal purpose. The assassin having obtained admittance, by pretending to deliver a message from Cuicelme, drew his dagger and rushed upon the king. Lilla, an officer of his army, seeing his master's danger, and having no other means of defence, interposed with his own body between the king and Eumer's dagger, which was pushed with such violence, that, after piercing Lilla, it even wounded Edwin: but before the assassin could renew his blow, he was despatched by the king's attendants.

The East Angles conspired against Redwald, their king; and having put him to death, they offered their crown to Edwin, of whose valour and capacity they had had experience while he resided among them. But Edwin, from a sense of gratitude towards his benefactor, obliged them to submit to Earpwold, the son of Redwald; and that prince preserved his authority, though on a precarious footing, under the protection of the Northumbrian monarch (Wil. Malm., lib. i., cap. 3).

Edwin, after his accession to the crown, married Ethelburga, the daughter of Ethelbert, King of Kent. This princess, emulating the glory of her mother Bertha, who had been the instrument for converting her husband and his people to Christianity, carried Paulinus, a learned bishop, along with her (H. Hunting., lib. iii.); and besides stipulating a toleration for the exercise of her own religion, which was

<sup>1</sup> W. Malm., lib. i., cap. 3, H. Hunting., lib. iii., Bede

readily granted her, she used every reason to persuade the king to embrace it. Edwin, like a prudent prince, hesitated on the proposal, but promised to examine the foundations of that doctrine; and declared that if he found them satisfactory, he was willing to be converted (Bede, lib. ii., cap. 9). Accordingly he held several conferences with Paullinus, canvassed the arguments propounded with the wisest of his counsellors; retired frequently from company, in order to revolve alone that important question; and, after a serious and long inquiry, declared in favour of the Christian religion (Bede, lib. ii., cap. 9; Malm., lib. i., cap. 3); the people soon after imitated his example. Besides the authority and influence of the king, they were moved by another striking example. Coifi, the high-priest, being converted after a public conference with Paullinus, led the way in destroying the images, which he had so long worshipped, and was forward in making this atonement for his past idolatry.<sup>1</sup>

This able prince perished with his son, Osfrid, in a great battle which he fought against Penda, King of Mercia, and Cædwalla, King of the Britons.<sup>2</sup> That event, which happened in the forty-eighth year of Edwin's age and seventeenth of his reign (W. Malm., lib. i., cap. 3), divided the monarchy of Northumberland which that prince had united in his person. Eanfrid, the son of Adelfrid, returned with his brothers Oswald and Oswy, from Scotland, and took possession of Bernicia, his paternal kingdom: Osric, Edwin's cousin-german, established himself in Deiri, the inheritance of his family, but to which the sons of Edwin had a preferable title. Eanfrid, the elder surviving son, fled to Penda, by whom he was treacherously slain. The younger son, Vuscfraë, with Yffi, the grandson of Edwin, by Osfrid, sought protection in Kent, and not finding themselves in safety there, retired into France to King Dagobert, where they died (Bede, lib. ii., cap. 20).

Osric, King of Deiri, and Eanfrid of Bernicia, returned to paganism; and the whole people seemed to have returned with them, since Paullinus, who was the first Archbishop of York, and who had converted them, thought proper to retire with Ethelburga, the queen dowager, into Kent. Both these Northumbrian kings perished soon after: the first in battle with Cædwalla, the Briton; the second by the treachery of that prince. Oswald, the brother of Eanfrid, of the race of Bernicia, united again the kingdom of Northumberland in the year 634, and restored the Christian religion in his dominions. He gained a bloody and well-disputed battle against Cædwalla; the last vigorous effort which the Britons made against the Saxons. Oswald is much celebrated for his sanctity and charity by the monkish historians; and they pretend that his relics wrought miracles, particularly the curing of a sick horse, which had approached the place of his interment (Bede, lib. iii., cap. 9).

He died in battle against Penda, King of Mercia, and was succeeded, by his brother Oswy; who established himself in the government of the whole Northumbrian kingdom by putting to death Oswin, the son of Osric, the last king of the race of Deiri. His son Egfrid succeeded

<sup>1</sup> Bede, lib. ii., cap. 13, Brompton, Higden, lib. v.

<sup>2</sup> Math. West, p. 114, Chron. Sax., p. 29.

him, who perishing in battle against the Picts, without leaving any children, because Adelthrid, his wife, refused to violate her vow of chastity, Alfred, his natural brother, acquired possession of the kingdom, which he governed for nineteen years, and he left it to Osred his son, a boy of eight years of age. This prince, after a reign of eleven years, was murdered by Kenred his kinsman, who, after enjoying the crown only a year, perished by a like fate. Osric, and after him Celwulph, the son of Kenred, next mounted the throne, which the latter relinquished in the year 738, in favour of Eadbert, his cousin-german, who imitating his predecessor, abdicated the crown, and retired into a monastery. Oswolf, son of Eadbert, was slain in a sedition, a year after his accession to the crown; and Mollo, who was not of the royal family, seized the crown. He perished by the treachery of Ailred, a prince of the blood; and Ailred having succeeded in his design upon the throne, was soon after expelled by his subjects. Ethelred his successor, the son of Mollo, underwent a like fate. Celwold, the next king, the brother of Ailred, was deposed, and slain by the people, and his place was filled by Osred, his nephew, who after a short reign of a year made way for Ethelbert, another son of Mollo, whose death was equally tragical with that of almost all his predecessors. After Ethelbert's death, a universal anarchy prevailed in Northumberland; and the people having by so many fatal revolutions lost all attachment to their government and princes, were well prepared for subjection to a foreign yoke, which Egbert, King of Wessex, finally imposed upon them.

THE KINGDOM OF EAST ANGLIA.—The history of this kingdom contains nothing memorable except the conversion of Earpwold, the fourth king and great-grandson of Uffa, the founder of the monarchy. The authority of Edwin, King of Northumberland, on whom that prince entirely depended, engaged him to take this step; but soon after, his wife, who was an idolatress, brought him back to her religion, and he was found unable to resist those allurements which had seduced the wisest of mankind. After his death, which was violent, like that of most of the Saxon princes that did not early retire into monasteries, Sigebert his successor and half-brother, who had been educated in France, restored Christianity and introduced learning among the East-Angles. Some pretend that he founded the university of Cambridge, or rather some schools in that place. It is almost impossible, and quite needless, to be more particular in relating the transactions of the East-Angles. What instruction or entertainment can it give the reader to hear a long bead-roll of barbarous names. Egric, Annas, Ethelbert, Ethelwald, Aldulf, Elfswold, Beorne, Ethelred, Ethelbert, who successively murdered, expelled, or inherited from each other, and obscurely filled the throne of that kingdom? Ethelbert, the last of these princes, was treacherously murdered by Offa, King of Mercia, in the year 792, and his state was henceforth united with that of Offa, as we shall relate presently.

THE KINGDOM OF MERCIA.—Mercia, the largest, if not the most powerful kingdom of the heptarchy, comprehended all the middle counties of England, and as its frontiers extended to those of all the other six kingdoms, as well as to Wales, it received its name from that

circumstance. Wibba, the son of Crida, founder of the monarchy, being placed on the throne by Ethelbert, King of Kent, governed his paternal dominions by a precarious authority; and after his death, Ceorl, his kinsman, was, by the influence of the Kentish monarch, preferred to his son Penda, whose turbulent character appeared dangerous to that prince. Penda was thus fifty years of age before he mounted the throne, and his temerity and restless disposition were found nowise abated by time, experience, or reflection. He engaged in continual hostilities against all the neighbouring states, and by his injustice and violence rendered himself equally odious to his own subjects and to strangers. Sigebert, Egric, and Annas, three kings of East-Anglia, perished successively in battle against him, as did also Edwin and Oswald, the two greatest princes that had reigned over Northumberland. At last, Oswy, brother to Oswald, having defeated and slain him in a decisive battle, freed the world from this sanguinary tyrant. Peada, his son, mounted the throne of Mercia in 655, and lived under the protection of Oswy, whose daughter he had espoused. This princess was educated in the Christian faith, and she employed her influence with success in converting her husband and his subjects to that religion. Thus the fair sex have had the merit of introducing the Christian doctrine into all the most considerable kingdoms of the Saxon heptarchy. Peada died a violent death.<sup>1</sup> His son Wolfhere succeeded to the government, and after having reduced to dependence the kingdoms of Essex and East-Anglia, he left the crown to his brother Ethelred, who, though a lover of peace, showed himself not unfit for military enterprises. Besides making a successful expedition into Kent, he repulsed Egric, King of Northumberland, who had invaded his dominions; and he slew in battle Elswin, the brother of that prince. Desirous however of composing all animosities with Egric, he paid him a sum of money as a compensation for the loss of his brother. After a prosperous reign of thirty years, he resigned the crown to Kendred, son of Wolfhere, and retired into the monastery of Bardney (Bede, lib. 5). Kendred returned the present of the crown to Ceolred the son of Ethelred, and making a pilgrimage to Rome, passed his life there in devotion. The place of Ceolred was supplied by Ethelbald, great-grand-nephew to Penda, by Alwy, his brother; and this prince being slain in a mutiny, was succeeded by Offa, who was a degree more remote from Penda, by Eawa, another brother.

This prince, who mounted the throne in 755 (Chron. Sax., p. 59), had some great qualities, and was successful in his warlike enterprises against Lothaire, King of Kent, and Kenwulph, King of Wessex. He defeated the former in a bloody battle at Otford upon the Darent, and reduced his kingdom to a state of dependence: he gained a victory over the latter at Bensington, in Oxfordshire; and conquering that county, together with that of Gloucester, annexed both to his dominions. But all these successes were stained by his treacherous murder of Ethelbert, King of the East-Angles, and his violent seizing of that kingdom. This young prince, who is said to have possessed great

<sup>1</sup> Hugo Candidus, p. 4, says that he was treacherously murdered by his queen, by whose persuasion he had embraced Christianity; but this account of the matter is found in that historian alone.

ment, had paid his addresses to Elfrida, the daughter of Offa, and was invited with all his retinue to Hereford, in order to solemnize the nuptials. Amidst the joy and festivity of these entertainments, he was seized by Offa, and secretly beheaded. and though Elfrida, who abhorred her father's treachery, had time to give warning to the East-Anglican nobility, who escaped into their own country, Offa, having extinguished the royal family, succeeded in his design of subduing that kingdom (Brompton, p. 750, 751, 752). The perfidious prince, desirous of re-establishing his character in the world, and perhaps of appeasing the remorse of his own conscience, paid great court to the clergy, and practised all the monkish devotion so much esteemed in that ignorant, superstitious age. He gave the tenth of his goods to the church (Spell; Conc., p. 308; Brompton, p. 776); bestowed rich donations on the cathedral of Hereford; and even made a pilgrimage to Rome, where his great power and riches could not fail of procuring him the papal absolution. The better to ingratiate himself with the sovereign pontiff, he engaged to pay him a yearly donation for the support of an English college at Rome (Spell; Conc., p. 230, 310, 312); and in order to raise the sum, he imposed the tax of a penny on each house possessed of thirty pence a year. This imposition, being afterwards levied on all England, was commonly denominated 'Peter's pence' (Higden, lib v.); and though conferred at first as a gift, was afterwards claimed as a tribute by the Roman pontiff. Carrying his hypocrisy still farther, Offa, feigning to be directed by a vision from heaven, discovered at Verulam the relics of St Alban the martyr, and endowed a magnificent monastery in that place (Ingulph, p 5; W. Malm, lib 1, cap 4). Moved by all these acts of piety, Malmesbury, one of the best of the old English historians, declares himself at a loss to determine (Lib. i., cap. 4) whether the merits or crimes of this prince preponderated. Offa died, after a reign of 39 years, in 794 (Chron. Sax. p, 65).

This prince was become so considerable in the heptarchy, that the Emperor Charlemagne entered into an alliance and friendship with him; a circumstance which did honour to Offa, as distant princes at that time had usually little communication with each other. That emperor being a great lover of learning and learned men, in an age very barren of that ornament, Offa, at his desire, sent him over Alcuin, a clergymen much celebrated for his knowledge, who received great honours from Charlemagne, and even became his preceptor in the sciences. The chief reason why he had at first desired the company of Alcuin, was, that he might oppose his learning to the heresy of Felix, Bishop of Urgil in Catalonia, who maintained that Jesus Christ, considered in his human nature, could, more properly, be denominated the adoptive, than the natural Son of God (Dupin, cent. viii., chap. 4). This heresy was condemned in the council of Frankfort, held in 794, and consisting of 300 bishops. Such were the questions which were agitated in that age, and which employed the attention, not only of cloistered scholars, but of the wisest and greatest princes.<sup>1</sup>

Egfrith succeeded to his father, Offa, but survived him only five

<sup>1</sup> Offa, in order to protect his country from Wales, drew a rampart or ditch of a hundred miles in length, from Basinwerke in Flintshire to the south sea near Bristol—*Speed's Description of Wales*.



months (Ingulph., p. 6); when he made way for Kenulph, a descendant of the royal family. This prince waged war against Kent; and taking Egbert, the king, prisoner, he cut off his hands and put out his eyes; leaving Cuthred, his own brother, in possession of the crown of that kingdom. Kenulph was killed in an insurrection of the East-Anglians, whose crown his predecessor, Offa, had usurped. He left his son, Kenelm, a minor, who was murdered the same year by his sister, Quendrade, who had entertained the ambitious views of assuming the government (Ingulph., p. 7, Brompton, p. 776). But she was supplanted by her uncle, Ceolulf, who, two years after, was dethroned by Beornulf. The reign of this usurper, who was not of the royal family, was short and unfortunate—he was defeated by the West-Saxons, and killed by his own subjects, the East-Angles (Ingulph., p. 7). Ludican, his successor, underwent the same fate (Alur. Beverl., p. 87); and Wiglaß, who mounted this unstable throne, and found everything in the utmost confusion, could not withstand the fortune of Egbert, who united all the Saxon kingdoms into one great monarchy.

THE KINGDOM OF ESSEX.—This kingdom made no great figure in the heptarchy; and the history of it is very imperfect. Sleda succeeded to his father, Erkinwin, the founder of the monarchy; and made way for his son, Sebert, who, being nephew to Ethelbert, King of Kent, was persuaded by that prince to embrace the Christian faith (Chron. Sax., p. 24). His sons and conjunct successors, SEXTED and SEWARD, relapsed into idolatry, and were soon after slain in a battle against the West-Saxons. To show the rude manner of living in that age, Bede tells us (Lib. ii., cap. 5), that these two kings expressed great desire to eat the white bread distributed by Mellitus, the bishop, at the communion (H. Hunting., lib. iii.; Brompton, p. 738, 743; Bede). But on his refusing them, unless they would submit to be baptized, they expelled him their dominions. The names of the other princes who reigned successfully in Essex, are SIGEBERT the Little, SIGEBERT the Good, who restored Christianity, SWITHELM, SIGHEN, OFFA. This last prince, having made a vow of chastity, notwithstanding his marriage with Keneswitha, a Mercian princess, daughter to Penda, went in pilgrimage to Rome, and shut himself up during the rest of his life in a cloister. SELRED, his successor, reigned thirty-eight years; and was the last of the royal line. the failure of which threw the kingdom into great confusion, and reduced it to dependence under Mercia (Malm., lib. i., cap. 6). SWITHERD first acquired the crown, by the concession of the Mercian princes; and his death made way for SIGERIC, who ended his life in a pilgrimage at Rome. His successor, SIGERED, unable to defend his kingdom, submitted to the victorious arms of Egbert.

THE KINGDOM OF SUSSEX.—The history of this kingdom, the smallest in the heptarchy, is still more imperfect than that of Essex. ÆLLA, the founder of the monarchy, left the crown to his son, CISSA, who is chiefly remarkable for his long reign of seventy-six years. During his time, the South-Saxons fell almost into a total dependence on the kingdom of Wessex; and we scarcely know the names of the princes who were possessed of this titular sovereignty. ADDELWALCH, the last of them, was subdued in battle by CEADWALLA, King of Wessex, and was slain in the action, leaving two infant sons, who, falling into

the hands of the conqueror, were murdered by him. The Abbot of Redford opposed the order for this execution, but could only prevail on Ceadwalla to suspend it till they should be baptized. Bercthun and Audhun, two noblemen of character, resisted some time the violence of the West-Saxons, but their opposition served only to prolong the miseries of their country; and the subduing of this kingdom was the first step which the West-Saxons made towards acquiring the sole monarchy of England (Brompton, p. 800).

THE KINGDOM OF WESSEX.—The kingdom of Wessex, which finally swallowed up all the other Saxon states, met with great resistance on its first establishment, and the Britons, who were now inured to arms, yielded not tamely their possessions to those invaders. Cerdic, the founder of the monarchy, and his son, Kenric, fought many successful and some unsuccessful battles against the natives; and the martial spirit, common to all the Saxons, was by means of these hostilities carried to the greatest height among this tribe. Ceaulin, who was the son and successor of Kenric, and who began his reign in 560, was still more ambitious and enterprising than his predecessors; and by waging continual war against the Britons, he added a great part of the counties of Devon and Somerset to his other dominions. Carried along by the tide of success, he invaded the other Saxon states in his neighbourhood, and becoming terrible to all, he provoked a general confederacy against him. This alliance proved successful under the conduct of Ethelbert, King of Kent, and Ceaulin, who had lost the affections of his own subjects by his violent disposition, and had now fallen into contempt from his misfortunes, was expelled the throne (Chron. Sax., p. 22), and died in exile and misery. Cuichelme, and Cuthwin, his sons, governed jointly the kingdom, till the expulsion of the latter in 591; and the death of the former, in 593, made way for Cealric, to whom succeeded Ceobald in 593, by whose death, which happened in 611, Kynegils inherited the crown. This prince embraced Christianity,<sup>1</sup> through the persuasion of Oswald, King of Northumberland, who had married his daughter, and who had attained a great ascendant in the heptarchy. Kenwalch next succeeded to the monarchy, and dying in 672, left the succession so much disputed, that Sexburga, his widow, a woman of spirit (Bede, lib. iv., cap. 12; Chron. Sax., p. 41), kept possession of the government till her death, which happened two years after. Escwin then peaceably acquired the crown, and, after a short reign of two years, made way for Kentwin, who governed nine years. Ceodwalla, his successor, mounted not the throne without opposition; but proved a great prince, according to the ideas of those times; that is, he was enterprising, warlike, and successful. He entirely subdued the kingdom of Sussex, and annexed it to his own dominions. He made inroads into Kent, but met with resistance from Widred, the king, who proved successful against Mullo, brother to Ceodwalla, and slew him in a skirmish. Ceodwalla at last, tired with wars and bloodshed, was seized with a fit of devotion, bestowed several endowments on the Church, and made a pilgrimage to Rome, where he received baptism, and died in 689. Ina, his successor, inherited the military virtues of Ceodwalla, and added to them

<sup>1</sup> Higden, lib. v., Chron. Sax., p. 15, Alur. Beverl., p. 94.

the more valuable ones of justice, policy, and prudence. He made war upon the Britons in Somerset, and having finally subdued that province, he treated the vanquished with the humanity hitherto unknown to the Saxon conquerors. He allowed the proprietors to retain possession of their lands, encouraged marriages and alliances between them and his ancient subjects, and gave them the privilege of being governed by the same laws. These laws he augmented and ascertained; and though he was disturbed by some insurrections at home, his long reign of thirty-seven years may be regarded as one of the most glorious and most prosperous of the heptarchy. In the decline of his age he made a pilgrimage to Rome; and after his return, shut himself up in a cloister, where he died.

Though the kings of Wessex had always been princes of the blood, descended from Ceidic, the founder of the monarchy, the order of succession had been far from exact; and a more remote prince had often found means to mount the throne, in preference to one descended from a nearer branch of the royal family. Ina, therefore, having no children of his own, and lying much under the influence of Ethelburga, his queen, left by will the succession to Adelard, her brother, who was his remote kinsman. But this destination did not take place without some difficulty. Oswald, a prince more nearly allied to the crown, took arms against Adelard; but he being suppressed, and dying soon after, the title of Adelard was not any further disputed, and in the year 741, he was succeeded by his cousin Cudred. The reign of this prince was distinguished by a great victory which he obtained by means of Edelhun, his general, over Ethelbald, King of Mercia. His death made way for Sigebert, his kinsman, who governed so ill that his people rose in an insurrection and dethroned him, crowning Cenulph in his stead. The exiled prince found a refuge with Duke Cumbran, governor of Hampshire, who, that he might add new obligations to Sigebert, gave him many salutary counsels for his future conduct, accompanied with some reprehensions for the past. But these were so much resented by the ungrateful prince, that he conspired against the life of his protector, and treacherously murdered him. After this infamous action, he was forsaken by all the world; and skulking about in the wilds and forests, was at last discovered by a servant of Cumbran's, who instantly took revenge upon him for the murder of his master (Higden, lib. v.; W. Malmes., lib. 1, cap. 2).

Cenulph, who had obtained the crown on the expulsion of Sigebert, was fortunate in many expeditions against the Britons of Cornwall; but afterwards lost some reputation by his ill success against Offa, King of Mercia (W. Malm., lib. 1, cap. 2). Kynehard, also, brother to the deposed Sigebert, gave him disturbance; and though expelled the kingdom, he hovered on the frontiers and watched an opportunity for attacking his rival. The king had an intrigue with a young woman, who lived at Merton, in Surrey, whither having secretly retired, he was on a sudden environed in the night-time by Kynehard and his followers, and after making a vigorous resistance, was murdered, with all his attendants. The nobility and people of the neighbourhood, rising next day in arms, took revenge on Kynehard for the slaughter of their king, and put every one to the sword who had been engaged in that criminal enterprise. This event happened in 784.

Brithric next obtained possession of the government, though remotely descended from the royal family ; but he enjoyed not that dignity without inquietude. Eoppa, nephew to King Ina, by his brother Ingild, who died before that prince, had begot Eta, father to Alchmond, from whom sprung Egbert (*Chron. Sax.*, p. 16), a young man of the most promising hopes, who gave great jealousy to Brithric, the reigning prince, both because he seemed by his birth better entitled to the crown, and because he had acquired, to an eminent degree, the affections of the people. Egbert, sensible of the danger from the suspicions of Brithric, secretly withdrew into France (*H. Hunting*, lib. iv.), where he was well received by Charlemagne. By living in the court and serving in the armies of that prince, the most able and most generous that had appeared in Europe during several ages, he acquired those accomplishments which afterwards enabled him to make such a shining figure on the throne. And familiarising himself to the manners of the French, who, as Malmesbury observes (*Lib. ii*, cap. 11), were eminent both for valour and civility above all the western nations, he learned to polish the rudeness and barbarity of the Saxon character. His early misfortunes thus proved of singular advantage to him.

It was not long ere Egbert had opportunities of displaying his natural and acquired talents. Brithric, King of Wessex, had married Eadburga, natural daughter of Offa, King of Mercia, a profligate woman, equally infamous for cruelty and for incontinence. Having great influence over her husband, she often instigated him to destroy such of the nobility as were obnoxious to her, and where this expedient failed, she scrupled not being herself active in traitorous attempts against them. She had mixed a cup of poison for a young nobleman who had acquired her husband's friendship, and had on that account become the object of her jealousy. But, unfortunately, the king drank of the fatal cup along with his favourite, and soon after expired<sup>1</sup>. This tragical incident, joined to her other crimes, rendered Eadburga so odious, that she was obliged to fly into France ; whence Egbert was at the same time recalled by the nobility, in order to ascend the throne of his ancestors.<sup>2</sup> He attained that dignity in the last year of the eighth century.

In the kingdoms of the heptarchy an exact rule of succession was either unknown or not strictly observed ; and thence the reigning prince was continually agitated with jealousy against all the princes of the blood whom he still considered as rivals, and whose death alone could give him entire security in his possession of the throne. From this fatal cause, together with the admiration of the monastic life, and the opinion of merit attending the preservation of chastity even in a married state, the royal families had been entirely extinguished in all the kingdoms except that of Wessex ; and the emulations, suspicions, and conspiracies, which had formerly been confined to the princes of the blood alone, were now diffused among all the nobility in the several Saxon states. Egbert was the sole descendant of those first conquerors who subdued Britain, and who enhanced their authority by claiming a pedigree from Woden, the supreme divinity of their ancestors. But that prince, though invited by this favourable circumstance to make

<sup>1</sup> Higden, lib. v., M. West, p. 152. Asser in vita Alfredi, p. 3, ex edit. Camdeni.

<sup>2</sup> *Chron. Sax.*, A. D. 800, Brompton, p. 80x

attempts on the neighbouring Saxons, gave them for some time no disturbance, and rather chose to turn his arms against the Britons in Cornwall, whom he defeated in several battles (*Chron. Sax.*, p. 69). He was recalled from the conquest of that country by an invasion made upon his dominions by Bernulf, King of Mercia.

The Mercians, before the accession of Egbert, had very nearly attained the absolute sovereignty in the heptarchy. They had reduced the East-Angles under subjection, and established tributary princes in the kingdoms of Kent and Essex. Northumberland was involved in anarchy; and no state of any consequence remained but that of Wessex, which, much inferior in extent to Mercia, was supported solely by the great qualities of its sovereign. Egbert led his army against the invaders; and encountering them at Ellandum in Wiltshire, obtained a complete victory, and by the great slaughter which he made of them in their flight, gave a mortal blow to the power of the Mercians. Whilst he himself, in prosecution of his victory, entered their country on the side of Oxfordshire, and threatened the heart of their dominions; he sent an army into Kent, commanded by Ethelwolph, his eldest son (*Ethelwerd*, lib. iii., cap. 2), and expelling Baldred, the tributary king, soon made himself master of that country. The kingdom of Essex was conquered with equal facility; and the East-Angles, from their hatred to the Mercian government, which had been established over them by treachery and violence, and probably exercised with tyranny, immediately rose to arms and craved the protection of Egbert (*Ibid*, lib. iii., cap. 3). Bernulf, the Mercian king, who marched against them, was defeated and slain; and two years after, Ludican, his successor, met with the same fate. These insurrections and calamities facilitated the enterprises of Egbert, who advanced into the centre of the Mercian territories, and made easy conquests over a dispirited and divided people. In order to engage them more easily to submission, he allowed Wiglaf, their countryman, to retain the title of king, whilst he himself exercised the real powers of sovereignty (*Ingulph*, p. 7, 8, 10). The anarchy which prevailed in Northumberland tempted him to carry still farther his victorious arms; and the inhabitants, unable to resist his power, and desirous of possessing some established form of government, were forward on his first appearance, to send deputies, who submitted to his authority and swore allegiance to him as their sovereign. Egbert, however, still allowed to Northumberland, as he had done to Mercia and East Anglia, the power of electing a king, who paid him tribute and was dependent on him.

Thus were united all the kingdoms of the heptarchy in one great state, near four hundred years after the first arrival of the Saxons in Britain; and the fortunate arms and prudent policy of Egbert at last effected what had been so often attempted in vain by so many princes (*Chron. Sax.*, p. 71). Kent, Northumberland, and Mercia, which had successively aspired to general dominion, were now incorporated in his empire, and the other subordinate kingdoms seemed willingly to share the same fate. His territories were nearly of the same extent with what is now properly called England, and a favourable prospect was afforded to the Anglo-Saxons of establishing a civilized monarchy, possessed of tranquility within itself and secure against foreign

invasion. This great event happened in the year 827 (Chron. Sax., p. 71).

The Saxons, though they had been so long settled in the island, seem not as yet to have been much improved beyond their German ancestors, either in arts, civility, knowledge, humanity, justice, or obedience to the laws. Even Christianity, though it opened the way to connections between them and the more polished states of Europe, had not hitherto been very effectual in banishing their ignorance, or softening their barbarous manners. As they received that doctrine through the corrupted channels of Rome, it carried along with it a great mixture of credulity and superstition, equally destructive to the understanding and to morals. The reverence towards saints and relics seems to have almost supplanted the adoration of the Supreme Being. Monastic observances were esteemed more meritorious than the active virtues; the knowledge of natural causes was neglected, from the universal belief of miraculous interpositions and judgments; bounty to the Church atoned for every violence against society; and the remorse for cruelty, murder, treachery, assassination, and the more robust vices were appeased, not by amendment of life, but by penances, servility to the monks, and an abject and illiberal devotion.<sup>1</sup> The reverence for the clergy had been carried to such a height, that wherever a person appeared in a sacerdotal habit, though on the highway, the people flocked around him, and showing him all marks of profound respect, received every word he uttered as the most sacred oracle (Bede, lib. iii., cap. 26). Even the military virtues, so inherent in all the Saxon tribes, began to be neglected; and the nobility, preferring the security and sloth of the cloister to the tumults and glory of war, valued themselves chiefly on endowing monasteries, of which they assumed the government.<sup>2</sup> The several kings too, being extremely impoverished by continual benefactions to the Church, to which the states of their kingdoms had weakly assented, could bestow no rewards on valour or military services, and retained not even sufficient influence to support their government (Bedæ Epist. ad Egbert).

Another inconvenience which attended this corrupt species of Christianity, was the superstitious attachment to Rome, and the gradual subjection of the kingdom to a foreign jurisdiction. The Britons, having never acknowledged any subordination to the Roman pontiff, had conducted all ecclesiastical government by their domestic synods and councils;<sup>3</sup> but the Saxons, receiving their religion from Roman monks, were taught at the same time a profound reverence for that see, and were naturally led to regard it as the capital of their religion. Pilgrimages to Rome were represented as the most meritorious acts of devotion. Not only noblemen and ladies of rank

<sup>1</sup> These abuses were common to all the European Churches, but the priests in Italy, Spain, and Gaul, made some atonement for them by other advantages which they rendered society. For several ages they were almost all Romans, or, in other words, the ancient natives, and they preserved the Roman language and laws, with some remains of the former civility. But the priests in the heptarchy, after the first missionaries, were wholly Saxons, and almost as ignorant and barbarous as the laity. They contributed, therefore, little to the improvement of society in knowledge or the arts.

<sup>2</sup> Ibid., lib. v., cap. 23, Epistola Bedæ ad Egbert.

<sup>3</sup> Append. to Bede, numb. 10, ex ed. 1722, Spelm. Conc., p. 108, 109.

undertook this tedious journey (Bede, lib. v., cap. 7), but kings themselves, abdicating their crowns, sought for a secure passport to heaven at the feet of the Roman pontiff. New relics, perpetually sent from that endless mint of superstition, and magnified by lying miracles invented in convents, operated on the astonished minds of the multitude. And every prince has attained the eulogies of the monks, the only historians of those ages, not in proportion to his civil and military virtues, but to his devoted attachment towards their order and his superstitious reverence for Rome.

The sovereign pontiff, encouraged by this blindness and submissive disposition of the people, advanced every day in his encroachments on the independence of the English Churches. Wilfrid, Bishop of Lindisferne, the sole prelate of the Northumbrian kingdom, increased this subjection in the eighth century, by his making an appeal to Rome against the decisions of an English synod which had abridged his diocese by the erection of some new bishoprics.<sup>1</sup> Agathon, the Pope, readily embraced this precedent of an appeal to his court; and Wilfrid, though the haughtiest and most luxurious prelate of his age (Eddius vita Wilfr., § 24, 60), having obtained with the people the character of sanctity, was thus able to lay the foundation of this papal pretension.

The great topic by which Wilfrid confounded the imaginations of men was, that St. Peter, to whose custody the keys of heaven were entrusted, would certainly refuse admittance to every one who should be wanting in respect to his successor. This conceit, well suited to vulgar conceptions, made great impression on the people during several ages, and has not even at present lost all influence in the Catholic countries.

Had this abject superstition produced general peace and tranquility, it had made some atonement for the ills attending it; but besides the usual avidity of men for power and riches, frivolous controversies in theology were engendered by it, which were so much the more fatal, as they admitted not, like the others, of any final determination from established possession. The disputes excited in Britain were of the most ridiculous kind, and entirely worthy of those ignorant and barbarous ages. There were some intricacies observed by all the Christian Churches, in adjusting the day of keeping Easter, which depended on a complicated consideration of the course of the sun and moon; and it happened that the missionaries who had converted the Scots and Britons had followed a different calendar from that which was observed at Rome in the age when Augustine converted the Saxons. The priests also of all the Christian Churches were accustomed to shave part of their head; but the form given to this tonsure was different in the former from what was practised in the latter. The Scots and Britons pleaded the antiquity of *their* usages the Romans, and their disciples the Saxons insisted on the universality of *theirs*. That Easter must necessarily be kept by a rule which comprehended both the day of the year and age of the moon, was agreed by all; that the tonsure of a priest could not be omitted without the utmost impiety, was a point disputed; but the Romans and Saxons called

Append to Bede, numb. 19; Higden, lib. v.

their antagonists schismatics, because they celebrated Easter on the very day of the full moon in March, if that day fell on a Sunday, instead of waiting till the Sunday following; and because they shaved the fore part of their head from ear to ear, instead of making that tonsure on the crown of the head, and in a circular form. In order to render their antagonists odious, they affirmed, that once in seven years they concurred with the Jews in the time of celebrating that festival (Bede, lib. ii., cap. 19); and that they might recommend their own form of tonsure, they maintained that it imitated symbolically the crown of thorns worn by Christ in His passion; whereas the other form was invented by Simon Magus, without any regard to that representation (Bede, lib. v., cap. 21, Eddius, § 24). These controversies had, from the beginning, excited much animosity between the British and Romish priests, that, instead of concurring in their endeavours to convert the idolatrous Saxons, they refused all communion together, and each regarded his opponent as no better than a pagan<sup>1</sup>. The dispute lasted more than a century, and was at last finished, not by men's discovering the folly of it, which would have been too great an effort for human reason to accomplish; but by the entire prevalence of the Romish ritual over the Scotch and British (Bede, lib. v., cap. 16, 22). Wilfrid, Bishop of Lindisferne, acquired great merit, both with the court of Rome and with all the southern Saxons, by expelling the quartodeciman schism, as it was called, from the Northumbrian kingdom, into which the neighbourhood of the Scots had formerly introduced it (Bede, lib. iii., cap. 25, Eddius, § 12).

Theodore, Archbishop of Canterbury, called, in the year 680, a synod at Hatfield, consisting of all the bishops in Britain (Spell Conc., vol. i. p. 168); where was accepted and ratified the decree of the Lateran council summoned by Martin against the heresy of the Monothelites. The council and synod maintained, in opposition to these heretics, that though the divine and human nature in Christ made but one person, yet had they different inclinations, wills, acts, and sentiments, and that the unity of the person implied not any unity in the consciousness (Ibid.; p. 171). This opinion it seems somewhat difficult to comprehend; and no one, unacquainted with the ecclesiastical history of those ages, could imagine the height of zeal and violence with which it was then inculcated. The decree of the Lateran council calls the Monothelites impious, execrable, wicked, abominable, and even diabolical; and curses and anathematizes them to all eternity (Spell Conc., vol. i., p. 172, 173, 174).

The Saxons, from the first introduction of Christianity among them, had admitted the use of images, and perhaps that religion, without some of those exterior ornaments, had not made so quick a progress with these idolaters. but they had not paid any species of worship or address to images, and this abuse never prevailed among Christians, till it received the sanction of the second council of Nice.

<sup>1</sup> Bede, lib. ii., cap. 2, 4, 20, Eddius, § 22



CHAP. II.—*Egbert — Ethelwolf. — Ethelbald and Ethelbert — Eithered. — Alfred the Great. — Edward the elder. — Athelstan. — Edmund. — Edred. — Edwy. — Edgar. — Edward the Martyr.*

EGBERT.—The kingdoms of the heptarchy, though (A.D. 827) united by so recent a conquest, seemed to be firmly cemented into one state under Egbert; and the inhabitants of the several provinces had lost all desire of revolting from that monarch, or of restoring their former independent governments. Their language was everywhere nearly the same, their customs, laws, institutions civil and religious; and as the race of the ancient kings was totally extinct in all the subjected states, the people readily transferred their allegiance to a prince who seemed to merit it, by the splendor of his victories, the vigour of his administration, and the superior nobility of his birth. A union also in government opened to them the agreeable prospect of future tranquility, and it appeared more probable that they would henceforth become formidable to their neighbours than be exposed to their inroads and devastations. But these flattering views were soon overcast by the appearance of the Danes, who, during some centuries kept the Anglo-Saxons in perpetual inquietude, committed the most barbarous ravages upon them, and at last reduced them to grievous servitude.

The Emperor Charlemagne, though naturally generous and humane, had been induced by bigotry to exercise great severities upon the pagan Saxons in Germany whom he subdued; and besides often ravaging their country with fire and sword, he had in cool blood decimated all the inhabitants for their revolts, and had obliged them by the most rigorous edicts to make a seeming compliance with the Christian doctrine. That religion which had easily made its way among the British-Saxons by insinuation and address, appeared shocking to their German brethren when imposed on them by the violence of Charlemagne; and the more generous and warlike of these pagans had fled northward into Jutland in order to escape the fury of his persecutions. Meeting there a people of familiar manner, they were readily received among them; and they soon stimulated the natives to concur in enterprises which both promised revenge on the haughty conqueror, and afforded subsistence to those numerous inhabitants with which the northern countries were now overburdened (Ypod. Neustria, p. 414). They invaded the provinces of France, which were exposed by the degeneracy and dissensions of Charlemagne's posterity; and being there known under the general name of Normans, which they received from their northern situation, they became the terror of all the maritime and even of the inland countries. They were also tempted to visit England in their frequent excursions; and being able by sudden inroads to make great progress over a people who were not defended by any naval force, who had relaxed their military institutions, and who were sunk into a superstition which had become odious to the Danes and ancient Saxons, they made no distinction in their hostilities between the French and English kingdoms. Their first appearance in this island was in the year 787 (Chron. Sax., p. 64), when Brithric reigned in Wessex. A small body

of them landed in that kingdom, with a view of learning the state of the country; and when the magistrate of the place questioned them concerning their enterprise, and summoned them to appear before the king and account for their intentions, they killed him, and flying to their ships escaped into their own country. The next alarm was given to Northumberland in the year 794 (Chron. Sax., p. 66; Alur. Beverl., p. 108), when a body of these pirates pillaged a monastery; but their ships being much damaged by a storm, and their leader slain in a skirmish, they were at last defeated by the inhabitants and the remainder of them put to the sword. Five years after Egbert had established his monarchy over England, the Danes landed in the Isle of Sheppey, and having pillaged it, escaped with impunity (Chron. Sax., p. 72). They were not so fortunate in their next year's enterprise, when they disembarked from thirty-five ships, and were encountered by Egbert at Charmouth, in Dorsetshire. The battle was bloody; but though the Danes lost great numbers, they maintained the post which they had taken, and thence made good their retreat to their ships (Ibid.; Ethelward, lib. iii., cap. 2). Having learned by experience that they must expect a vigorous resistance from this warlike prince, they entered into an alliance with the Britons of Cornwall; and landing two years after in that country, made an inroad with their confederates into the county of Devon; but were met at Hengesdown by Egbert and totally defeated (Chron. Sax., p. 72). While England remained in this state of anxiety, and defended itself more by temporary expedients than by any regular plan of administration, Egbert, who alone was able to provide effectually against this new evil, unfortunately died (A.D. 838), and left the government to his son Ethelwolf.

**ETHELWOLF.**—This prince had neither the abilities nor the vigour of his father, and was better qualified for governing a convent than a kingdom (Wm. Malm., lib. ii., cap. 2). He began his reign with making a partition of his dominions, and delivering over to his eldest son, Athelstan, the new conquered provinces of Essex, Kent, and Sussex. But no inconveniences seem to have arisen from this partition, as the continual terror of the Danish invasions prevented all domestic dissension. A fleet of these ravagers, consisting of thirty-three sail, appeared at Southampton; but were repulsed with loss by Wolfhere, governor of the neighbouring county<sup>1</sup>. The same year Æthelhelm, governor of Dorsetshire, routed another band which had disembarked at Portsmouth; but he obtained the victory after a furious engagement, and he bought it with the loss of his life (Chron. Sax., p. 73; H. Hunting., lib. v.). Next year, the Danes made several inroads into England, and fought battles, or rather skirmishes, in East-Anglia and Lindesey and Kent; where, though they were sometimes repulsed and defeated, they always obtained their end of committing spoil upon the country and carrying off their booty. They avoided coming to a general engagement, which was not suited to their plan of operations. Their vessels were small, and ran easily up the creeks and rivers, where they drew them ashore, and having formed an entrenchment round them which they guarded with part of their number, the remainder scattered themselves everywhere, and

<sup>1</sup> Chron. Sax., p. 73, Ethelward, lib. iii., cap. 3.

carrying off the inhabitants and cattle and goods, they hastened to their ships and quickly disappeared. If the military force of the county were assembled (for there was no time for troops to march from a distance), the Danes either were able to repulse them and to continue their ravages with impunity, or they betook themselves to their vessels, and setting sail, suddenly invaded some distant quarter which was not prepared for their reception. Every part of England was held in continual alarm, and the inhabitants of one county durst not give assistance to those of another, lest their own families and property should in the meantime be exposed by their absence to the fury of these barbarous ravagers (*Alured Beverl*, p. 108). All orders of men were involved in this calamity, and the priests and monks, who had been commonly spared in the domestic quarrels of the heptarchy, were the chief objects on which the Danish idolaters exercised their rage and animosity. Every season of the year was dangerous, and the absence of the enemy was no reason why any man should esteem himself a moment in safety.

These incursions had now become almost annual, when (A.D. 851) the Danes, encouraged by their successes against France as well as England (for both kingdoms were alike exposed to this dreadful calamity), invaded the last in so numerous a body as seemed to threaten it with universal subjection. But the English, more military than the Britons, whom a few centuries before they had treated with like violence, roused themselves with a vigour proportioned to the exigency. Ceorle, governor of Devonshire, fought a battle with one body of the Danes at Wiganburgh,<sup>1</sup> and put them to rout with great slaughter. King Athelstan attacked another at sea, near Sandwich, sunk nine of their ships, and put the rest to flight.<sup>2</sup> A body of them, however, ventured for the first time to take up winter quarters in England, and receiving in the spring a strong reinforcement of their countrymen in 350 vessels, they advanced from the Isle of Thanet, where they had stationed themselves, burnt the cities of London and Canterbury, and having put to flight Brictric, who now governed Mercia under the title of King, they marched into the heart of Surrey and laid every place waste around them. Ethelwolf, impelled by the urgency of the danger, marched against them at the head of the West-Saxons; and carrying with him his second son, Ethelbald, gave them battle at Okely, and gained a bloody victory over them. This advantage procured but a short respite to the English. The Danes still maintained their settlement in the Isle of Thanet, and being attacked by Ealher and Huda, governors of Kent and Surrey, though defeated in the beginning of the action, they finally repulsed the assailants, and (A.D. 853) killed both the governors. They removed thence to the Isle of Sheppey, where they took up their winter quarters that they might farther extend their devastation and ravages.

This unsettled state of England hindered not Ethelwolf from making a pilgrimage to Rome, whither he carried his fourth and favourite son, Alfred, then only six years of age.<sup>3</sup> He passed there a twelvemonth

<sup>1</sup> *H. Hunt*, lib. v; *Ethelward*, lib. iii, cap. 3. *Simeon Dunelm*, p. 120.

<sup>2</sup> *Chron. Sax.*, p. 74; *Asserius*, p. 2.

<sup>3</sup> *Asserius*, p. 2. *Chron. Sax.*, 76, *Hunt*, lib. v.

in exercises of devotion, and failed not in that most essential part of devotion, liberality to the Church of Rome. Besides giving presents to the more distinguished ecclesiastics, he made a perpetual grant of 300 mancuses<sup>1</sup> a year to that see: one-third to support the lamps of St. Peter's, another those of St. Paul's, a third to the Pope himself (W. Malm., lib. ii., cap. 2). In his return home, he married Judith, daughter of the Emperor Charles the Bald; but on his landing in England he met with an opposition which he little looked for.

His eldest son, Athelstan, being dead, Ethelbald, his second, who had assumed the government, formed, in concert with many of the nobles, the project of excluding his father from a throne which his weakness and superstition seem to have rendered him so ill-qualified to fill. The people were divided between the two princes, and a bloody civil war, joined to all the other calamities under which the English laboured, appeared inevitable; when Ethelwolf had the facility to yield to the greater part of his son's pretensions. He made with him a partition of the kingdom, and taking to himself the eastern part, which was always at that time esteemed the least considerable as well as the most exposed,<sup>2</sup> he delivered over to Ethelbald the sovereignty of the western. Immediately after, he summoned the states of the whole kingdom, and with the same facility conferred a perpetual and important donation on the Church.

The ecclesiastics in those days of ignorance made rapid advances in the acquisition of power and grandeur, and inculcating the most absurd and most interested doctrines, though they sometimes met, from the common interests of the laity, with an opposition which it required time and address to overcome, they found no obstacle in their reason or understanding. Not content with the donations of land made them by the Saxon princes and nobles, and with temporary oblations from the devotion of the people, they had cast a wishful eye on a vast revenue which they claimed as belonging to them by a sacred and indefeasible title. However little versed in the Scriptures, they had been able to discover that under the Jewish law a tenth of all the produce of land was conferred on the priesthood; and forgetting what they themselves taught that the moral part only of that law was obligatory on Christians, they insisted that this donation conveyed a perpetual property, inherent by Divine right in those who officiated at the altar. During some centuries the whole scope of sermons and homilies was directed to this purpose; and one would have imagined from the general tenor of these discourses, that all the practical parts of Christianity were comprised in the exact and faithful payment of tithes to the clergy.<sup>3</sup> Encouraged by their success in inculcating these doctrines, they ventured further than they were warranted even by the Levitical law, and pretended to draw the tenth of all industry, merchandise, wages of labourers, and pay of soldiers (Spel. Conc., vol. i, p. 268), nay, some canonists went so far as to affirm that the clergy were entitled to the tithe of the profits made by courtesans in the exercise of their profession (Padre Paolo, p. 132). Though

<sup>1</sup> A mancus was about the weight of our present half-crown. Spelman's Glossary, in verbo 'Mancus'

<sup>2</sup> Asserius, p. 3. W. Malm., lib. ii., cap. 2, Matth. West p. 1, 8

<sup>3</sup> Padre Paolo, sopra benefici ecclesiastici, p. 51, 52, edit. Colon., 1675.

parishes had been instituted in England by Honorius, Archbishop of Canterbury, near two centuries before (Parker, p. 77), the ecclesiastics had never yet been able to get possession of the tithes they therefore seized the present favourable opportunity of making that acquisition, when a weak, superstitious prince filled the throne, and when the people, discouraged by their losses from the Danes, and terrified with the fear of future invasions, were susceptible of any impression which bore the appearance of religion (Ingulf, p. 862, Selden's Hist. of Tithes, c. 8). So meritorious was this concession deemed by the English, that trusting entirely to supernatural assistance, they neglected the ordinary means of safety, and agreed, even in the present desperate extremity, that the revenues of the Church should be exempted from all burdens, even though imposed for national defence and security<sup>1</sup>

**ETHELBALD AND ETHELBERT**—Ethelwolf lived only two years after making this grant; and (A.D. 857) by his will he shared England between his two eldest sons, Ethelbald and Ethelbert the west being assigned to the former; the east to the latter. Ethelbald was a profligate prince; and marrying Judith, his mother-in-law, gave great offence to the people, but moved by the remonstrances of Swithun, Bishop of Winchester, he was at last prevailed on to divorce her. His reign was short, and Ethelbert, his brother, succeeding (A.D. 860) to the government, behaved himself, during a reign of five years, in a manner more worthy of his birth and station. The kingdom, however, was still infested by the Danes, who made an inroad and sacked Winchester, but were there defeated. A body also of these pirates who were quartered in the Isle of Thanet, having deceived the English by a treaty, unexpectedly broke into Kent and committed great outrages.

**ETHERED.**—Ethelbert was succeeded (A.D. 866) by his brother Ethered, who, though he defended himself with bravery, enjoyed during his whole reign no tranquility from those Danish irruptions. His younger brother, Alfred, seconded him in all his enterprises, and generously sacrificed to the public good all resentment which he might entertain on account of his being excluded by Ethered from a large patrimony which had been left him by his father.

The first landing of the Danes in the reign of Ethered was among the East-Angles, who, more anxious for their present safety than for the common interest, entered into a separate treaty with the enemy, and furnished them with horses, which enabled them to make an irruption by land into the kingdom of Northumberland. They there seized the city of York, and defended it against Osbriht and Ælla, two Northumbrian princes, who perished in the assault (Asser, p. 6, Chron. Sax., p. 79). Encouraged by these successes and by the superiority which they had acquired in arms, they now ventured, under the command of Hinguar and Hubba, to leave the sea-coast, and penetrating into Mercia they took up their winter-quarters at Nottingham, where they threatened the kingdom with a final subjection. The Mercians, in this extremity, applied to Ethered for succour; and that prince, with his brother Alfred (A.D. 870), conducting a great army to

<sup>1</sup> Assenus, p. 2, Chron. Sax. p. 76, W. Malm lib ii cap 2, Ethelward, lib. iii cap 3, M. West, p. 158, Ingulf p. 17, Alur Beverl p. 95

Nottingham, obliged the enemy to dislodge and to retreat into North-umberland. Their restless disposition and their avidity for plunder allowed them not to remain long in those quarters. they broke into East-Anglia, defeated and took prisoner Edmund, the king of that country, whom they afterwards murdered in cool blood; and committing the most barbarous ravages on the people, particularly on the monasteries, they gave the East-Angles cause to regret the temporary relief which they had obtained by assisting the common enemy.

The next station of the Danes was at Reading; whence (A.D. 871) they infested the neighbouring country by their incursions. The Mercians, desirous of shaking off their dependence on Ethered, refused to join him with their forces; and that prince, attended by Alfred, was obliged to march against the enemy, with the West-Saxons alone, his hereditary subjects. The Danes, being defeated in an action, shut themselves up in their garrison; but quickly making thence an irruption, they routed the West-Saxons, and obliged them to raise the siege. An action soon after ensued at Aston, in Berkshire, where the English, in the beginning of the day, were in danger of a total defeat. Alfred, advancing with one division of the army, was surrounded by the enemy in disadvantageous ground; and Ethered, who was at that time hearing mass, refused to march to his assistance till prayers should be finished<sup>1</sup> but as he afterwards obtained the victory, this success, not the danger of Alfred, was ascribed by the monks to the piety of that monarch. This battle of Aston did not terminate the war. another battle was a little after fought at Basing, where the Danes were more successful; and being reinforced by a new army from their own country, they became every day more terrible to the English. Amidst these confusions, Ethered died of a wound which he had received in an action with the Danes, and left the inheritance of his cares and misfortunes, rather than of his grandeur, to his brother Alfred, who was now twenty-two years of age.

ALFRED.—This prince gave (A.D. 871) very early marks of those great virtues and shining talents, by which, during the most difficult times, he saved his country from utter ruin and subversion. Ethelwolf, his father, the year after his return with Alfred from Rome, had again sent the young prince thither with a numerous retinue; and a report being spread of the king's death, the Pope, Leo. III., gave Alfred the royal unction;<sup>2</sup> either prognosticating his future greatness from the appearances of his pregnant genius, or willing to pretend, even in that age, to the right of conferring kingdoms. Alfred, on his return home, became every day more the object of his father's affections, but being indulged in all youthful pleasures, he was much neglected in his education; and he had already reached his twelfth year, when he was yet totally ignorant of the lowest elements of literature. His genius was first roused by the recital of Saxon poems, in which the queen took delight; and this species of erudition, which is sometimes able to make a considerable progress even among barbarians, expanded those noble and elevated sentiments which he had received from nature (Asser, p.

<sup>1</sup> Asser, p. 7: W. Malmesbury, lib. 11, cap. 3, Simeon Dunelm, p. 125; Anglia Sacra, vol. 1, p. 205

<sup>2</sup> Asser, p. 2, W. Malm, lib. 11, cap. 2, Ingulf, p. 869, Simeon Dunelm, p. 120, 139

5; M West., p. 167). Encouraged by the queen, and stimulated by his own ardent inclination, he soon learned to read those compositions, and proceeded thence to acquire the knowledge of the Latin tongue, in which he met with authors that better prompted his heroic spirit, and directed his generous views. Absorbed in these elegant pursuits, he regarded his accession to royalty rather as an object of regret than of triumph (Asser., p. 7); but being called to the throne, in preference to his brother's children, as well by the will of his father, a circumstance which had great authority with the Anglo-Saxons (Ibid., p. 22; Simeon Dunelm., p. 121), as by the vows of the whole nation, and the urgency of public affairs, he shook off his literary indolence, and exerted himself in the defence of his people. He had scarcely buried his brother, when he was obliged to take the field, in order to oppose the Danes who had seized Wilton, and were exercising their usual ravages on the countries around. He marched against them with the few troops which he could assemble on a sudden, and giving them battle, gained at first an advantage; but by his pursuing the victory too far, the superiority of the enemy's numbers prevailed and recovered them the day. Their loss, however, in the action was so considerable, that, fearing Alfred would receive daily reinforcement from his subjects, they were content to stipulate for a safe retreat, and promised to depart the kingdom. For that purpose they were conducted to London, and allowed to take up winter-quarters there; but, careless of their engagements, they immediately set themselves to the committing of spoil on the neighbouring country. Burhred, King of Mercia, in whose territories London was situated, made a new stipulation with them, and engaged them by presents of money to remove to Lindesey, in Lincolnshire, a country which they had already reduced to ruin and desolation. Finding therefore no object in that place, either for their rapine or violence, they suddenly turned back upon Mercia, in a quarter where they expected to find it without defence, and fixing their station at Repton, in Derbyshire, they laid the whole country desolate with fire and sword. Burhred, despairing of success against an enemy whom no force could resist and no treaties bind, abandoned his kingdom, and flying to Rome took shelter in a cloister<sup>1</sup>. He was brother-in-law to Alfred, and the last who bore the title of King in Mercia.

The West-Saxons were now the only remaining power in England; and though supported by the vigour and abilities of Alfred, they were unable to sustain the efforts of those ravagers who from all quarters invaded them. A new swarm of Danes came (A.D. 875) over this year, under three princes, Guthrum, Oscital, and Amund, and having first joined their countrymen at Repton, they soon found the necessity of separating, in order to provide for their subsistence. Part of them, under the command of Haldene, their chieftain (Chron. Sax., p. 83), marched into Northumberland, where they fixed their quarters; part of them took quarters at Cambridge, whence they dislodged in the ensuing summer, and seized Wareham, in the county of Dorset, the very centre of Alfred's dominions. That prince so straitened them in these quarters that they were content to come to a treaty with him, and stipulated to depart his country. Alfred, well acquainted with

<sup>1</sup> Asser., p. 8; Chron. Sax., p. 82; Ethelward, lib. iv., cap. 4.

their usual perfidy, obliged them to swear upon the holy relics to the observance of the treaty (Asser., p. 8); not that he expected they would pay any veneration to the relics, but he hoped that if they now violated this oath, their impiety would infallibly draw down upon them the vengeance of Heaven. But the Danes, little apprehensive of the danger, suddenly, without seeking any pretence, fell upon Alfred's army, and having put it to rout, marched westward and took possession of Exeter. The prince collected new forces, and exerted such vigour that he fought in one year eight battles with the enemy,<sup>1</sup> and reduced them to the utmost extremity. He hearkened however to new proposals of peace; and was satisfied to stipulate with them, that they would settle somewhere in England (Asser., p. 9; Alur. Beverl., p. 104), and would not permit the entrance of more ravagers into the kingdom. But while he was expecting the execution of this treaty, which it seemed the interest of the Danes themselves to fulfil, he heard that another body had landed, and having collected all the scattered troops of their countrymen, had surprised Chippenham, then a considerable town, and were exercising their usual ravages all around them.

This last incident quite broke the spirit of the Saxons, and reduced them to despair. Finding that, after all the miserable havoc which they had undergone in their persons and in their property; after all the vigorous actions which they had exerted in their own defence; a new band, equally greedy of spoil and slaughter, had disembarked among them; they believed themselves abandoned by Heaven to destruction, and delivered over to those swarms of robbers, which the fertile north thus incessantly poured forth against them. Some left their country and retired into Wales, or fled beyond sea others submitted to the conquerors, in hopes of appeasing their fury by a servile obedience (Chron. Sax., p. 84; Alured Beverl., p. 105). And every man's attention being now engrossed in concern for his own preservation, no one would hearken to the exhortations of the king, who summoned them to make, under his conduct, one effort more in defence of their prince, their country, and their liberties. Alfred himself was obliged to relinquish the ensigns of his dignity, to dismiss his servants, and to seek shelter in the meanest disguises from the pursuit and fury of his enemies. He concealed himself under a peasant's habit, and lived some time in the house of a neat-herd, who had been entrusted with the care of some of his cows (Asser., p. 9). There passed here an incident, which has been recorded by all the historians, and was long preserved by popular tradition; though it contains nothing memorable in itself, except so far as every circumstance is interesting which attends so much virtue and dignity reduced to such distress. The wife of the neatherd was ignorant of the condition of her royal guest; and observing him one day busy by the fireside in trimming his bow and arrows, she desired him to take care of some cakes which were toasting, while she was employed elsewhere in other domestic affairs. But Alfred, whose thoughts were otherwise engaged, neglected his injunction; and the good woman, on her return finding her cakes all burnt, rated the king very severely,

<sup>1</sup> Asser., p. 8, The Saxon Chron., p. 82, says nine battles.



and upbraided him that he always seemed very well pleased to eat her warm cakes, though he was thus negligent in toasting them (Asser, p. 9; M. West., p. 170).

By degrees, Alfred, as he found the search of the enemy become more remiss, collected some of his retainers, and retired into the centre of a bog, formed by the stagnating waters of the Thone and Parret, in Somersetshire. He here found two acres of firm ground; and building a habitation on them, rendered himself secure by its fortifications, and still more by the unknown and inaccessible roads which led to it, and by the forests and morasses with which it was every way environed. This place he called *Æthelingay*, or the Isle of Nobles;<sup>1</sup> and it now bears the name of *Athelney*. He thence made frequent and unexpected sallies upon the Danes, who often felt the vigour of his arm, but knew not from what quarter the blow came. He subsisted himself and his followers by the plunder which he acquired; he procured them consolation by revenge, and from small successes he opened their minds to hope that notwithstanding his present low condition, more important victories might at length attend his valour.

Alfred lay here concealed, but not inactive, during a twelvemonth, when the news of a prosperous event reached his ears and called him to the field. Hubba, the Dane, having spread devastation, fire, and slaughter over Wales, had landed in Devonshire from twenty-three vessels, and laid siege to the castle of Kinwith, a place situated near the mouth of the small river Tau. Oddune, Earl of Devonshire, with his followers, had taken shelter there; and being ill supplied with provisions, and even with water, he determined, by some vigorous blow, to prevent the necessity of submitting to the barbarous enemy. He made a sudden sally on the Danes before the sunrising; and taking them unprepared, he put them to rout, pursued them with great slaughter, killed Hubba himself, and got possession of the famous *Reafen*, or enchanted standard, in which the Danes put great confidence.<sup>2</sup> It contained the figure of a raven, which had been inwoven by the three sisters of Hunguar and Hubba, with many magical incantations, and which, by its different movements, prognosticated, as the Danes believed, the good or bad success of any enterprise (Asser. p. 10).

When Alfred observed this symptom of successful resistance in his subjects, he left his retreat; but before he would assemble them in arms, or urge them to any attempt which, if unfortunate, might, in their present despondency prove fatal, he resolved to inspect himself the situation of the enemy, and to judge of the probability of success. For this purpose he entered their camp under the disguise of a harper, and passed unsuspected through every quarter. He so entertained them with his music and facetious humours, that he met with a welcome reception, and was even introduced to the tent of Guthrum, their prince, where he remained some days (W. Malm., lib. ii., cap. 4). He remarked the supine security of the Danes, their contempt of the English, their negligence in foraging and plundering, and their dissolute wasting of what they gained by rapine and violence. Encouraged

<sup>1</sup> Chron. Sax., p. 85, W. Malm., lib. ii., cap. 4; Ethelward, lib. iv., cap. 4; Ingulf, p. 26.

<sup>2</sup> Asser., p. 10, Chron. Sax., p. 84, Abbas Rieval, p. 395, Alured Beverl., p. 105.

by these favourable appearances, he secretly sent emissaries to the most considerable of his subjects, and summoned them to a rendezvous, attended by their warlike followers, at Brixton, on the borders of Selwood forest (Chron. Sax., p. 85). The English, who had hoped to put an end to their calamities by servile submission, now found the insolence and rapine of the conqueror more intolerable than all past fatigues and dangers; and at the appointed day they joyfully resorted to their prince. On his appearance, they received him with shouts of applause,<sup>1</sup> and he could not satiate their eyes with the sight of this beloved monarch whom they had long regarded as dead, and who now, with voice and looks expressing his confidence of success, called them to liberty and to vengeance. He instantly conducted them to Eddington, where the Danes were encamped, and taking advantage of his previous knowledge of the place, he directed his attack against the most unguarded quarter of the enemy. The Danes, surprised to see an army of English whom they considered as totally subdued, and still more astonished to hear that Alfred was at their head, made but a faint resistance, notwithstanding their superiority of number, and were soon put to flight with great slaughter. The remainder of the routed army, with their prince, was besieged by Alfred in a fortified camp, to which they fled; but being reduced to extremity by want and hunger, they had recourse to the clemency of the victor, and offered to submit on any conditions. The king, no less generous than brave, gave them their lives; and even formed a scheme for converting them from mortal enemies into faithful subjects and confederates. He knew that the kingdoms of East-Anglia and Northumberland were totally desolated by the frequent inroads of the Danes; and he now purposed to repopulate them by settling there Guthrum and his followers. He hoped that the new planters would at last betake themselves to industry, when, by reason of his resistance and the exhausted conditions of the country they could no longer subsist by plunder; and that they might serve him as a rampart against any future incursions of their countrymen. But before he ratified these mild conditions with the Danes, he required that they should give him one pledge of their submission and of their inclination to incorporate with the English, by declaring their conversion to Christianity (Chron. Sax., p. 85). Guthrum and his army had no aversion to the proposal, and without much instruction or argument or conference they were all admitted to baptism. The king answered for Guthrum at the font, gave him the name of Athelstan, and received him as his adopted son (Asser., p. 10; Chron Sax., p. 90).

The success of this expedient seemed to correspond to Alfred's hopes: the greater part of the Danes settled (A.D. 880) peaceably in their new quarters; some smaller bodies of the same nation, which were dispersed in Mercia, were distributed into the five cities of Derby, Leicester, Stamford, Lincoln, and Nottingham, and were thence called the Fif or Five-burgers. The more turbulent and inquiet made an expedition into France under the command of Hastings (W. Malm. lib. 11., cap. 4; Ingulf, p. 26), and except by a short incursion of Danes,

<sup>1</sup> Asser., p. 10, Chronicle Saxon., p. 85, Simeon Dunelm, p. 128, Alured Beverl., p. 105, Abbas Rieval, p. 354

who sailed up the Thames and landed at Fulham, but suddenly retreated to their ships, on finding the country in a posture of defence, Alfred was not for some years infested by the inroads of those barbarians (Asser, p. 11)

The king employed this interval of tranquility in restoring order to the state, which had been shaken by so many violent convulsions; in establishing civil and military institutions; in composing the minds of men to industry and justice; and in providing against the return of like calamities. He was, more properly than his grandfather Egbert, the sole monarch of the English (for so the Saxons were now universally called), because the kingdom of Mercia was at last incorporated in his state, and was governed by Ethelbert, his brother-in-law, who bore the title of Earl and though the Danes, who peopled East-Anglia and Northumberland, were for some time ruled immediately by their own princes, they all acknowledged a subordination to Alfred, and submitted to his superior authority. As equality among subjects is the great source of concord, Alfred gave the same laws to the Danes and English, and put them entirely on a like footing in the administration both of civil and criminal justice. The fine for the murder of a Dane was the same with that for the murder of an Englishman—the great symbol of equality in those ages

The king, after rebuilding the ruined cities, particularly London,<sup>1</sup> which had been destroyed by the Danes in the reign of Ethelwolf, established a regular militia for the defence of the kingdom. He ordained that all his people should be armed and registered; he assigned them a regular rotation of duty; he distributed part into the castles and fortresses, which he built at proper places (Asser, p. 18; Ingulf, p. 27); he required another part to take the field on any alarm, and to assemble at stated places of rendezvous, and he left a sufficient number at home who were employed in the cultivation of the land, and who afterwards took their turn in military service (Chron. Sax., p. 92, 93). The whole kingdom was like one great garrison, and the Danes could no sooner appear in one place, than a sufficient number was assembled to oppose them, without leaving the other quarters defenceless or disarmed.<sup>2</sup>

But Alfred, sensible that the proper method of opposing an enemy who made incursions by sea, was to meet them on their own element, took care to provide himself with a naval force (Asser, p. 9; M. West., p. 179), which, though the most natural defence of an island, had hitherto been totally neglected by the English. He increased the shipping of his kingdom both in number and strength, and trained his subjects in the practice, as well of sailing as of naval action. He distributed his armed vessels in proper stations round the island, and was sure to meet the Danish ships either before or after they had landed their troops, and to pursue them in all their incursions. Though the Danes might suddenly by surprise disembark on the coast, which was generally become desolate by their frequent ravages, they were encountered by the English fleet in their retreat; and escaped not, as

<sup>1</sup> Asser., p. 15; Chron. Sax., p. 88, M. West., p. 171, Simeon Dunelm., p. 131; Brompton, p. 812, Alured Beverl., ex edit. Hearne, p. 106

<sup>2</sup> Spelman's Life of Alfred, p. 147, edit. 1709.

formerly, by abandoning their booty, but paid by their total destruction the penalty of the disorders which they had committed.

In this manner Alfred repelled several inroads of these piratical Danes, and maintained his kingdom, during some years, in safety and tranquility. A fleet of a hundred and twenty ships of war was stationed upon the coast; and being provided with warlike engines, as well as with expert seamen, both Frisians and English (for Alfred supplied the defects of his own subjects by engaging able foreigners in his service), maintained a superiority over those smaller bands with which England had so often been infested.<sup>1</sup> But at last Hastings, the famous Danish chief, having (A.D. 893) ravished all the provinces of France, both along the sea-coast and the Loire and Seine, and being obliged to quit that country, more by the desolation which he himself had occasioned, than by the resistance of the inhabitants, appeared off the coast of Kent with a fleet of 330 sail. The greater part of the enemy disembarked in the Rother, and seized the fort of Apuldore. Hastings himself commanding a fleet of eighty sail, entered the Thames, and fortifying Milton, in Kent, began to spread his forces over the country and to commit the most destructive ravages. But Alfred, on the first alarm of this descent, flew to the defence of his people at the head of a select band of soldiers, whom he always kept about his person (Asser, p. 19), and gathering to him the armed militia from all quarters, appeared in the field with a force superior to the enemy. All straggling parties, whom necessity or love of plunder had drawn to a distance from their chief encampment, were cut off by the English (Chron. Sax., p. 92); and these pirates, instead of increasing their spoil, found themselves cooped up in their fortifications, and obliged to subsist by the plunder which they had brought from France. Tired of this situation, which must in the end prove ruinous to them, the Danes at Apuldore rose suddenly from their encampment, with an intention of marching towards the Thames, and passing over into Essex. But they escaped not the vigilance of Alfred, who encountered them at Farnham, put them to rout (Chron. Sax., p. 93; Flor. Wigorn., p. 595), seized all their horses and baggage, and chased the runaways on board their ships, which carried them up the Colne to Mersey, in Essex, where they entrenched themselves. Hastings at the same time, and probably by concert, made a like movement; and deserting Milton, took possession of Bamflete, near the Isle of Canvey in the same county (Chron. Sax., p. 93), where he hastily threw up fortifications for his defence against the power of Alfred.

Unfortunately for the English, Guthrum, prince of the East-Anglian Danes, was now dead, as was also Guthred, whom the king had appointed governor of the Northumbrians, and those restless tribes, being no longer restrained by the authority of their princes, and being encouraged by the appearance of so great a body of their countrymen, broke into rebellion, shook off the authority of Alfred, and yielding to their inveterate habits of war and depredation (Chron. Sax., p. 92), embarked on board two hundred and forty vessels, and appeared before Exeter in the West of England. Alfred lost not a moment in opposing

<sup>1</sup> Asser, p. 11; Chron. Sax., p. 86, 87, M. West, p. 176.

this new enemy. Having left some forces at London to make head against Hastings and the other Danes, he marched suddenly to the West (*Chron. Sax.*, p. 93), and falling on the rebels before they were aware, pursued them to their ships with great slaughter. These ravagers sailing next to Sussex, began to plunder the country near Chichester; but the order which Alfred had everywhere established, sufficed here, without his presence, for the defence of the place; and the rebels meeting with a new repulse, in which many of them were killed and some of their ships taken (*Chron. Sax.*, p. 96, *Flor. Wigorn.*, p. 596), were obliged to put again to sea, and were discouraged from attempting any other enterprise.

Meanwhile, the Danish invaders in Essex having united their force under the command of Hastings, advanced into the inland country, and made spoil of all around them; but soon had reason to repent of their temerity. The English army left in London, assisted by a body of the citizens, attacked the enemy's entrenchments at Bamflete, overpowered the garrison, and having done great execution upon them, carried off the wife and two sons of Hastings (*Chron. Sax.*, p. 94; *M. West.*, p. 178). Alfred generously spared these captives, and even restored them to Hastings (*M. West.*, p. 179), on condition that he should depart the kingdom.

But though the king had thus honourably rid himself of this dangerous enemy, he had not entirely subdued or expelled the invaders. The piratical Danes willingly followed in an incursion any prosperous leader who gave them hopes of booty; but were not so easily induced to relinquish their enterprise or submit to return, baffled and without plunder, into their native country. Great numbers of them, after the departure of Hastings, seized and fortified Shoebury, at the mouth of the Thames; and having left a garrison there, they marched along the river till they came to Boddington, in the county of Gloucester; where, being reinforced by some Welsh, they threw up entrenchments, and prepared for their defence. The king here surrounded them with the whole force of his dominions (*Chron. Sax.*, p. 94); and as he had now a certain prospect of victory, he resolved to trust nothing to chance, but rather to master his enemies by famine than assault. They were reduced to such extremities, that having eaten their own horses, and having many of them perished with hunger (*Ibid.*; *M. West.*, p. 179, *Flor. Wigorn.*, p. 596), they made a desperate sally upon the English, and though the greater number fell in the action, a considerable body made their escape (*Chron. Sax.*, p. 95). These roved about for some time in England, still pursued by the vigilance of Alfred, they attacked Leicester with success, defended themselves in Hertford, and then fled into Watford, where they were finally broken and subdued. The small remains of them either dispersed themselves among their countrymen in Northumberland and East-Anglia (*Ibid.*, p. 97), or had recourse again to the sea, where they exercised piracy, under the command of Sigefert, a Northumbrian. This freebooter, well acquainted with Alfred's naval preparations, had framed vessels of a new construction, higher and longer and swifter than those of the English; but the king soon discovered his superior skill by building vessels still higher and longer and swifter than those of the Northumbrians; and falling upon

them, while they were exercising their ravages in the West, he took twenty of their ships; and having tried all the prisoners at Winchester, he hanged them as pirates, the common enemies of mankind.

The well-timed severity of this execution, together with the excellent posture of defence established everywhere, restored full tranquility in England, and provided for the future security of the government. The East-Anglian and Northumbrian Danes, on the first appearance of Alfred upon their frontiers, made anew the most humble submissions to him; and he thought it prudent to take them under his immediate government, without establishing over them a viceroy of their own nation (Flor. Wigorn, p. 598). The Welsh also acknowledged his authority; and this great prince had now by prudence and justice and valour, established his sovereignty over all the southern parts of the island, from the English channel to the frontiers of Scotland; when (A.D. 901) he died in the vigour of his age and the full strength of his faculties, after a glorious reign of twenty-nine years and a half (Asser. p. 21; Chron. Sax, p. 99), in which he deservedly attained the appellation of Alfred the Great, and the title of Founder of the English Monarchy.

The merits of this prince, both in private and public life, may with advantage be set in opposition to that of any monarch or citizen which the annals of any age or any nation can present to us. He seems indeed to be the model of that perfect character, which, under the denomination of a sage or wise man, philosophers have been fond of delineating, rather as a fiction of their imagination, than in hopes of ever seeing it really existing: so happily were all his virtues tempered together, so justly were they blended, and so powerfully did each prevent the other from exceeding its proper boundaries! He knew how to reconcile the most enterprising spirit with the coolest moderation, and the most obstinate perseverance with the earliest flexibility, the most severe justice with the gentlest lenity; the greatest vigour in commanding with the most perfect affability of deportment (Asser., p. 13); the highest capacity and inclination for science, with the most shining talents for action. His civil and his military virtues are almost equally the objects of our admiration; excepting only that the former, being more rare among princes, as well as more useful, seem chiefly to challenge our applause. Nature also, as if desirous that so bright a production of her skill should be set in the fairest light, had bestowed on him every bodily accomplishment, vigour of limb, dignity of shape and air, with a pleasing, engaging, and open countenance (Asser., p. 5). Fortune alone, by throwing him into that barbarous age, deprived him of historians worthy to transmit his fame to posterity; and we wish to see him delineated in more lively colours, and with more particular strokes, that we may at least perceive some of those small specks and blemishes, from which, as a man, it is impossible he could be entirely exempted.

But we should give but an imperfect idea of Alfred's merit were we to confine our narration to his military exploits, and were not more particular in our account of his institutions for the execution of justice, and of his zeal for the encouragement of arts and sciences.

After Alfred had subdued and had settled or expelled the Danes, he found the kingdom in a most wretched condition; desolated by the

ravages of those barbarians, and thrown into disorders, which were calculated to perpetuate its misery. Though the great armies of the Danes were broken, the country was full of straggling troops of that nation, who being accustomed to live by plunder, were become incapable of industry, and who, from the natural ferocity of their manners, indulged themselves in committing violence, even beyond what was requisite to supply their necessities. The English themselves, reduced to the most extreme indigence by these continued depredations, had shaken off all the bands of government; and those who had been plundered to-day, betook themselves next day to a like disorderly life, and from despair, joined the robbers in pillaging and ruining their fellow-citizens. These were the evils for which it was necessary that the vigilance and activity of Alfred should provide a remedy.

That he might render the execution of justice strict and regular, he divided all England into counties these counties he subdivided into hundreds, and the hundreds into tithings. Every householder was answerable for the behaviour of his family and slaves, and even of his guests, if they lived above three days in his house. Ten neighbouring householders were formed into one corporation, who under the name of a tithing, decennary, or tithing, were answerable for each other's conduct, and over whom one person, called a tithingman, headbourn, or borsholder, was appointed to preside. Every man was punished as an outlaw who did not register himself in some tithing. And no man could change his habitation without a warrant or certificate from the borsholder of the tithing to which he formerly belonged.

When any person in any tithing or decennary was guilty of a crime, the borsholder was summoned to answer for him, and if he were not willing to be surety for his appearance and his clearing himself, the criminal was committed to prison, and there detained till his trial. If he fled, either before or after finding sureties, the borsholder and decennary became liable to inquiry, and were exposed to the penalties of law. Thirty-one days were allowed them for producing the criminal; and if that time elapsed without their being able to find him, the borsholder (with two other members of the decennary) was obliged to appear, and together with three chief members of the three neighbouring decennaries (making twelve in all), to swear that his decennary was free from all privy both of the crime committed and of the escape of the criminal. If the borsholder could not find such a number to answer for their innocence, the decennary was compelled by fine to make satisfaction to the king, according to the degree of the offence (*Leges St. Edw.*, cap. 20; *apud Wilkins*, p. 202). By this institution every man was obliged from his own interest to keep a watchful eye over the conduct of his neighbours, and was in a manner surety for the behaviour of those who were placed under the division to which he belonged. Whence these decennaries received the name of frankpledges.

Such a regular distribution of the people, with such a strict confinement in their habitation, may not be necessary in times when men are more inured to obedience and justice; and it might perhaps be regarded as destructive of liberty and commerce in a polished state; but it was well calculated to reduce that fierce and licentious people

under the salutary restraint of law and government. But Alfred took care to temper these rigours by other institutions favourable to the freedom of the citizens; and nothing could be more popular and liberal than his plan for the administration of justice. The borsholder summoned together the whole decennary to assist him in deciding any lesser difference which occurred among the members of this small community. The affairs of greater moment, in appeals from the decennary, or in controversies arising between members of different decennaries, the cause was brought before the hundred, which consisted of ten decennaries, or a hundred families of freemen, and which was regularly assembled once in four weeks for the deciding of causes (Leg. Edw., cap. 2). Their method of decision deserves to be noted, as being the origin of juries, an institution admirable in itself, and the best calculated for the preservation of liberty and the administration of justice, that ever was devised by the wit of man. Twelve freeholders were chosen, who having sworn, together with the hundreder, or presiding magistrate of that division, to administer impartial justice,<sup>1</sup> proceeded to the examination of that cause which was submitted to their jurisdiction. And beside these monthly meetings of the hundred, there was an annual meeting appointed for a more general inspection of the police of the district; for the inquiry into crimes, the correction of abuses in magistrates, and the obliging of every person to show the decennary in which he was registered. The people, in imitation of their ancestors, the ancient Germans, assembled there in arms; whence a hundred was sometimes called a wapentake, and its court served both for the support of military discipline, and for the administration of civil justice (Spellman, *in voce* Wapentake).

The next superior court to that of the hundred was the county-court, which met twice a year, after Michaelmas and Easter, and consisted of the freeholders of the county, who possessed an equal vote in the decision of causes. The bishop presided in this court, together with the alderman, and the proper object of the court was the receiving of appeals from the hundreds and decennaries, and the deciding of such controversies as arose between men of different hundreds. Formerly, the alderman possessed both the civil and military authority; but Alfred, sensible that this conjunction of powers rendered the nobility dangerous and independent, appointed also a sheriff in each county, who enjoyed a co-ordinate authority with the former in the judicial function (Ingulf, p. 870). His office also empowered him to guard the rights of the crown in the county, and to levy the fines imposed, which in that age formed no contemptible part of the public revenue.

There lay an appeal, in default of justice, from these courts to the king himself in council; and as the people, sensible of the equity and great talents of Alfred, placed their chief confidence in him, he was soon overwhelmed with appeals from all parts of England. He was indefatigable in the despatch of these causes (Asser., p. 20) but finding that his time must be entirely engrossed by this branch of duty, he resolved to obviate the inconvenience by correcting the ignorance or

<sup>1</sup> *Fœderus Alfred, and Gothum, apud Wilkins, cap. 3, p. 47, Leg. Ethelstani, cap. 2, apud Wilkins, p. 53, LL. Ethelr., § 4, Wilkins, p. 117.*



corruption of the inferior magistrates, from which it arose<sup>1</sup> He took care to have his nobility instructed in letters and the laws (Flor. Wigorn, p 594; Brompton, p 814), he chose the eals and sheriffs from among the men most celebrated for piobity and knowledge; he punished severely all malversation in office (*Le Muon de Justice*, chap 2), and he removed all the earls whom he found unequal to the trust (Asser, p. 20); allowing only some of the more elderly to serve by a deputy till their death should make room for more worthy successors

The better to guide the magistrates in the administration of justice, Alfred framed a body of laws, which, though now lost, served long as the basis of English jurisprudence, and is generally deemed the origin of what is denominated the COMMON LAW. He appointed regular meetings of the states of England twice a year in London (*Le Muon de Justice*), a city which he himself had repaired and beautified, and which he thus rendered the capital of the kingdom. The similiaity of these institutions to the customs of the ancient Germans, to the practice of the other northern conquerors, and to the Saxon laws during the heptarchy, prevents us from regarding Alfred as the sole author of this plan of government, and leads us rather to think that, like a wise man, he contented himself with reforming, extending, and executing the institutions which he found previously established. But, on the whole, such success attended his legislation that everything bore suddenly a new face in England; iobberies and iniquities of all kinds were repressed by the punishment or reformation of the criminals (*Ingulf*, p 27); and so exact was the general police, that Alfred, it is said, hung up by way of bravado golden bracelets near the highways, and no man dared to touch them (*W. Malm*, lib. ii., cap 4). Yet, amidst these rigours of justice, this great prince preserved the most sacred regard to the liberty of his people; and it is a memorable sentiment preserved in his will, that it was just the English should for ever remain as free as their own thoughts (Asser, p 24).

As good morals and knowledge are almost inseparable, in every age, though not in every individual, the care of Alfred for the encouragement of learning among his subjects was another useful branch of his legislation, and tended to reclaim the English from their former dissolute and ferocious manners; but the king was guided in this pursuit, less by political views than by his natuual bent and propensity towards letters. When he came to the throne, he found the nation sunk into the grossest ignorance and barbarism, proceeding from the continued disorders in the government, and from the ravages of the Danes. The monasteries were destroyed, the monks butchered or dispersed, their libraries burnt; and thus the only seats of erudition in those ages were totally subverted. Alfred himself complains that on his accession he knew not one person, south of the Thames, who could so much as interpret the Latin service, and very few, in the northern parts, who had even reached that pitch of erudition. But this prince invited over the most celebrated scholars from all parts of Europe, he established schools everywhere for the instruction of his people; he

<sup>1</sup> *Ibid.*, p. x8, 21; Flor. Wigorn., p 594; Abbas Rieval, p 355

founded, at least repaired, the university of Oxford, and endowed it with many privileges, revenues, and immunities; he enjoined by law all freeholders possessed of two hydes<sup>1</sup> of land or more to send their children to school for their instruction; he gave preferment both to Church and State to such only as had some proficiency in knowledge; and by all these expedients he had the satisfaction, before his death, to see a great change in the face of affairs; and in a work of his, which is still extant, he congratulates himself on the progress which learning, under his patronage, had already made in England.

But the most effectual expedient employed by Alfred for the encouragement of learning, was his own example and the constant assiduity with which, notwithstanding the multiplicity and urgency of his affairs, he employed himself in the pursuits of knowledge. He usually divided his time into three equal portions. one was employed in sleep and the refectation of his body by diet and exercise; another in the despatch of business; a third in study and devotion; and that he might more exactly measure the hours, he made use of burning tapers of equal length, which he fixed in lanterns;<sup>2</sup> an expedient suited to that rude age, when the geometry of dialling and the mechanism of clocks and watches were totally unknown. And by such a regular distribution of his time, though he often laboured under great bodily infirmities (Asser, pp. 4, 12, 13, 17), this martial hero, who fought in person fifty-six battles by sea and land (W. Malm, lib. iv, cap. 4), was able, during a life of no extraordinary length, to acquire more knowledge, and even to compose more books, than most studious men, though blest with the greatest leisure and application, have in more fortunate ages made the object of their uninterrupted industry.

Sensible that the people at all times, especially when their understandings are obstructed by ignorance and bad education, are not much susceptible of speculative instruction, Alfred endeavoured to convey his morality by apologues, parables, stories, apophthegms, couched in poetry; and besides propagating among his subjects former compositions of that kind, which he found in the Saxon tongue (Asser., p. 13), he exercised his genius in inventing works of a like nature (Spelman, p. 124; Abbas Rieval, p. 355), as well as in translating from the Greek the elegant fables of Æsop. He also gave Saxon translations of Orosius's and Bede's histories; and of Boethius concerning the consolation of philosophy (W. Malm, lib. ii., cap. 4; Brompton, p. 814). And he deemed it nowise derogatory from his other great characters of sovereign, legislator, warrior, and politician, thus to lead the way to his people in the pursuits of literature.

Meanwhile, this prince was not negligent in encouraging the vulgar and mechanical arts, which have a more sensible, though not a closer, connection with the interests of society. He invited, from all quarters, industrious foreigners to repeople his country, which had been desolated by the ravages of the Danes (Asser., p. 13; Flor. Wigorn., p. 588). He introduced and encouraged manufactures of all kinds, and no inventor

<sup>1</sup> A hyde contained land sufficient to employ one plough; H. Hunt, lib. vi., in A. D. 1008; Annal. Waverl., in A. D. 1083. Gervase of Tilbury says, it commonly contained about 100 acres.

<sup>2</sup> Asser., p. 20, W. Malm, lib. ii., cap. 4; Ingulf, p. 87p.

or improver of any ingenious art did he suffer to go unrewarded (Asser., p. 20). He prompted men of activity to betake themselves to navigation, to push commerce into the most remote countries, and to acquire riches by propagating industry among their fellow-citizens. He set apart a seventh portion of his own revenue for maintaining a number of workmen, whom he constantly employed in rebuilding the ruined cities, castles, palaces, and monasteries (Ibid., W. Malm., lib. ii, cap 4). Even the elegancies of life were brought to him from the Mediterranean and the Indies (W. Malm., lib. ii, cap 4); and his subjects, by seeing those productions of the peaceful arts, were taught to respect the virtues of justice and industry, from which alone they could arise. Both living and dead, Alfred was regarded, by foreigners, no less than by his own subjects, as the greatest prince after Charlemagne that had appeared in Europe during several ages, and as one of the wisest and best that had ever adorned the annals of any nation.

Alfred had by his wife, Ethelfwitha, daughter of a Mercian earl, three sons and three daughters. The eldest son, Edmund, died without issue, in his father's lifetime. The third, Ethelward, inherited his father's passion for letters, and lived a private life. The second, Edward, succeeded to his power, and passes by the appellation of Edward the Elder, being the first of that name who sat on the English throne.

EDWARD THE ELDER—This prince, who equalled his father in military talents, though inferior to him in knowledge and erudition (W. Malm., lib. ii, cap 5; Hoveden, p. 421), found immediately on his accession (A.D. 901) a specimen of that turbulent life to which all princes, and even all individuals were exposed, in an age when men, less restrained by law or justice, and less occupied by industry, had no alimint for their inquietude but wars, insurrections, convulsions, rapine, and depredation. Ethelwald, his cousin-german, son of King Ethelbert, the elder brother of Alfred, insisted on his preferable title (Chron. Sax., p. 99, 100), and arming his partisans, took possession of Winburne, where he seemed determined to defend himself to the last extremity, and to await the issue of his pretensions (Ibid., p. 100; H. Hunting., lib. v., p. 352). But when the king approached the town with a great army, Ethelwald, having the prospect of certain destruction, made his escape, and fled first into Normandy, thence into Northumberland, where he hoped that the people who had been recently subdued by Alfred, and who were impatient of peace, would on the intelligence of that prince's death, seize the first pretence or opportunity of rebellion. The event did not disappoint his expectations: the Northumbrians declared for him,<sup>1</sup> and Ethelwald, having thus connected his interests with the Danish tribes, went beyond sea, and collecting a body of these freebooters, he excited the hopes of all those who had been accustomed to subsist by rapine and violence.<sup>2</sup> The East-Anglian Danes joined his party; the Five-burgers who were seated in the heart of Mercia began to put themselves in motion; and the English found that they were again menaced with those convulsions from which the valour and policy of Alfred had so lately

<sup>1</sup> Chron. Sax., p. 100, H. Hunting., lib. v., p. 352.

<sup>2</sup> Chron. Sax., p. 100, Chron. Abb. St. Petri de Burgo, p. 24.

rescued them. The rebels, headed by Ethelwald, made an incursion into the counties of Gloucester, Oxford, and Wilts, and having exercised their ravages in these places, they retired with their booty, before the king, who had assembled an army, was able to approach them. Edward, however, who was determined that his preparations should not be fruitless, conducted his forces into East-Anglia, and retaliated the injuries which the inhabitants had committed by spreading the like devastation among them. Satiated with revenge, and loaded with booty, he gave orders to retire, but the authority of those ancient kings, which was feeble in peace, was not much better established in the field; and the Kentish men, greedy of more spoil, ventured, contrary to repeated orders, to stay behind him and to take up their quarters in Bury. This disobedience proved in the issue fortunate to Edward. The Danes assaulted the Kentish men, but met with so vigorous a resistance, that though they gained the field of battle, they bought that advantage by the loss of their bravest leaders, and among the rest, by that of Ethelwald, who perished in the action.<sup>1</sup> The king, freed from the fear of so dangerous a competitor, made peace on advantageous terms with the East-Angles.<sup>2</sup>

In order to restore England to such a state of tranquility as it was then capable of attaining, nought was wanting but the subjection of the Northumbrians, who, assisted by the scattered Danes in Mercia, continually infested the bowels of the kingdom. Edward, in order to divert the force of these enemies, prepared a fleet to attack them by sea; hoping that when his ships appeared on their coast, they must at least remain at home and provide for their defence. But the Northumbrians were less anxious to secure their own property than greedy to commit spoil on their enemy, and concluding that the chief strength of the English was embarked on board the fleet, they thought the opportunity favourable, and entered Edward's territories with all their forces. The king, who was prepared against this event, attacked them on their return at Tettenhall, in the county of Stafford, put them to rout, recovered all the booty, and pursued them with great slaughter into their own country.

All the rest of Edward's reign was a scene of continued and successful action against the Northumbrians, the East-Angles, the Five-burgers, and the foreign Danes, who invaded him from Normandy and Brittany. Nor was he less provident in putting his kingdom in a posture of defence, than vigorous in assaulting the enemy. He fortified the towns of Chester, Eddesbury, Warwick, Cherbury, Buckingham, Towcester, Maldon, Huntingdon, and Colchester. He fought two signal battles at Tensford and Maldon.<sup>3</sup> He vanquished Thurketill, a great Danish chief, and obliged him to retire with his followers into France in quest of spoil and adventures. He subdued the East-Angles and forced them to swear allegiance to him; he expelled the two rival princes of Northumberland, Reginald and Sidroc, and acquired for the present the dominions of that province: several tribes of the Britons were subjected by him; and even the Scots,

<sup>1</sup> Chron. Sax., p. 101; Brompton, p. 832. <sup>2</sup> Chron. Sax., p. 102, Brompton, p. 832, Math. West., p. 181. <sup>3</sup> Chron. Sax., p. 108, Flor. Wigorn., p. 601.

who, during the reign of Egbert had, under the conduct of Kenneth their king, increased their power by the final subjection of the Picts, were nevertheless obliged to give him marks of submission (Chron. Sax, p. 110; Hoveden, p. 421). In all these fortunate achievements he was assisted by the activity and prudence of his sister Ethelfleda, who was widow of Ethelbert, Earl of Mercia, and who, after her husband's death retained the government of that province. This princess, who had been reduced to extremity in childhood, refused afterwards all commerce with her husband; not from any weak superstition, as was common in that age, but because she deemed all domestic occupations unworthy of her masculine and ambitious spirit.<sup>1</sup> She died before her brother, and Edward, during the remainder of his reign, took upon himself the immediate government of Mercia, which before had been entrusted to the authority of a governor (Saxon Chronicle, p. 110; Brompton, p. 831). The Saxon Chronicle fixes the death of this prince in 925 (p. 110); his kingdom devolved to Athelstan, his natural son.

ATHELSTAN—The stain in this prince's birth was not in those times deemed so considerable as to exclude him from the throne; and Athelstan being of an age as well as of a capacity fitted for government, obtained (A D. 925) the preference to Edward's younger children who, though legitimate, were of too tender years to rule a nation so much exposed both to foreign invasion and to domestic convulsions. Some discontents however prevailed on his accession, and Alfred, a nobleman of considerable power, was thence encouraged to enter into a conspiracy against him. This incident is related by historians with circumstances which the reader, according to the degree of credit he is disposed to give them, may impute either to the invention of monks who forged them, or to their artifice who found means of making them real. Alfred, it is said, being seized upon strong suspicions, but without any certain proof, firmly denied the conspiracy imputed to him; and in order to justify himself, he offered to swear to his innocence before the Pope, whose person it was supposed contained such superior sanctity, that no one could presume to give a false oath in his presence and yet hope to escape the immediate vengeance of Heaven. The king accepted of the condition, and Alfred was conducted to Rome, where, either conscious of his innocence, or neglecting the superstition to which he appealed, he ventured to make the oath required of him before John, who then filled the papal chair. But no sooner had he pronounced the fatal words than he fell into convulsions, of which three days after he expired. The king, as if the guilt of the conspirator were now fully ascertained, confiscated his estate, and made a present of it to the monastery of Malmesbury (W. Malm, lib. 11, cap. 6; Spell. Conc, p. 407), secure that no doubts would ever thenceforth be entertained concerning the justice of his proceedings.

The dominion of Athelstan was no sooner established over his English subjects, than he endeavoured to give security to the government by providing against the insurrections of the Danes, which had created so much disturbance to his predecessors. He marched into

<sup>1</sup> W. Malm, lib. 11, cap. 5; Math. West, p. 182, Ingulf, p. 28, Higden, p. 261.

Northumberland, and finding that the inhabitants bore with impatience the English yoke, he thought it prudent to confer on Sithric, a Danish nobleman, the title of king, and to attach him to his interests by giving him his sister Edrtha in marriage. But this policy proved by accident the source of dangerous consequences. Sithric died in a twelvemonth after, and his two sons by a former marriage, Anlaf and Godfrid, founding pretensions on their father's elevation, assumed the sovereignty without waiting for Athelstan's consent. They were soon expelled by the power of that monarch, and the former took shelter in Ireland, as the latter did in Scotlapd, where he received during some time protection from Constantine, who then enjoyed the crown of that kingdom. The Scottish prince however, continually solicited and even menaced by Athelstan, at last promised to deliver up his guest; but secretly detesting this treachery, he gave Godfrid warning to make his escape (W. Malm., lib. ii., cap. 6), and that fugitive, after subsisting by piracy for some years, freed the king by his death from any further anxiety. Athelstan, resenting Constantine's behaviour, entered Scotland with an army, and ravaging the country with impunity,<sup>1</sup> he reduced the Scotch to such distress, that their king was content to preserve his crown by making submissions to the enemy. The English historians assert (Hoveden, p. 422), that Constantine did homage to Athelstan for his kingdom; and they add, that the latter prince, being urged by his courtiers to push the present favourable opportunity, and entirely subdue Scotland, replied that it was more glorious to confer than conquer kingdoms.<sup>2</sup> But those annals, so uncertain and imperfect in themselves, lose all credit when national prepossessions and animosities have place; and on that account, the Scotch historians who, without having any more knowledge of the matter, strenuously deny the fact, seem more worthy of belief.

Constantine, whether he owed the retaining of his crown to the moderation of Athelstan, who was unwilling to employ all his advantages against him, or to the policy of that prince who esteemed the humiliation of an enemy a greater acquisition than the subjection of a discontented and mutinous people, thought the behaviour of the English monarch more an object of resentment than of gratitude. He entered into a confederacy with Anlaf, who had collected a great body of Danish pirates whom he found hovering in the Irish seas; and with some Welsh princes who were terrified at the growing power of Athelstan: and all these allies made by concert an irruption with a great army into England. Athelstan, collecting his forces, met the enemy near Brunsbury, in Northumberland, and defeated them in a general engagement. This victory was chiefly ascribed to the valour of Turketul, the English chancellor: for in those turbulent ages no one was so much occupied in civil employments as wholly to lay aside the military character.<sup>3</sup>

There is a circumstance not unworthy of notice, which historians relate with regard to the transactions of this war. Anlaf, on the

<sup>1</sup> Chron. Sax., p. 3; Hoveden, p. 422. H. Hunting, lib. v., p. 354

<sup>2</sup> W. Malm., lib. ii., cap. 6, *Anglia Sacra*, vol. i., p. 212

<sup>3</sup> The office of chancellor among the Anglo-Saxons resembled more that of a secretary of state than that of our present chancellor. Spelman, *in voce* Cancellarius

approach of the English army, thought that he could not venture too much to insure a fortunate event; and employing the artifice formerly practised by Alfred against the Danes, he entered the enemy's camp in the habit of a minstrel. The stratagem was for the present attended with like success. He gave such satisfaction to the soldiers who flocked about him, that they introduced him to the king's tent; and Anlaf having played before that prince and his nobles during their repast, was dismissed with a handsome reward. His prudence kept him from refusing the present; but his pride determined him, on his departure, to bury it, while he fancied that he was unespied by all the world. But a soldier in Athelstan's camp, who had formerly served under Anlaf, had been struck with some suspicion on the first appearance of the minstrel; and was engaged by curiosity to observe all his motions. He regarded this last action as a full proof of Anlaf's disguise; and he immediately carried the intelligence to Athelstan, who blamed him for not sooner giving him information, that he might have seized his enemy. But the soldier told him, that as he had formerly sworn fealty to Anlaf, he could never have pardoned himself the treachery of betraying and ruining his ancient master; and that Athelstan himself, after such an instance of his criminal conduct, would have had equal reason to distrust his allegiance. Athelstan having praised the generosity of the soldier's principles, reflected on the incident, which he foresaw might be attended with important consequences. He removed his station in the camp; and as a bishop arrived that evening with a reinforcement of troops (for the ecclesiastics were then no less warlike than the civil magistrates), he occupied with his train that very place which had been left vacant by the king's removal. The precaution of Athelstan was found prudent; for no sooner had darkness fallen, than Anlaf broke into the camp, and hastening directly to the place where he had left the king's tent, put the bishop to death, before he had time to prepare for his defence.<sup>1</sup>

There fell several Danish and Welsh princes in the action of Brunsbury;<sup>2</sup> and Constantine and Anlaf made their escape with difficulty, leaving the greater part of their army on the field of battle. After this success, Athelstan enjoyed his crown in tranquility; and he is regarded as one of the ablest and most active of those ancient princes. He passed a remarkable law, which was calculated for the encouragement of commerce, and which it required some liberality of mind in that age to have devised: that a merchant who had made three long sea-voyages on his own account, should be admitted to the rank of a thane or gentleman. This prince died at Gloucester, in the year 941 (*Chron. Sax.*, p. 114), after a reign of sixteen years, and was succeeded by Edmund, his legitimate brother.

EDMUND.—Edmund, on his succession (A.D. 941), met with disturbance from the restless Northumbrians who lay in wait for every opportunity of breaking into rebellion. But marching suddenly with his forces into their country, he so overawed the rebels that they endeavoured to appease him by the most humble submissions.<sup>3</sup> In order to

<sup>1</sup> W. Malm., lib. ii., cap. 6; Higden, p. 263. <sup>2</sup> Brompton, p. 839; Ingulf, p. 29.

<sup>3</sup> W. Malm., lib. ii., cap. 7; Brompton, p. 857.

give him the surer pledge of their obedience, they offered to embrace Christianity; a religion which the English Danes had frequently professed when reduced to difficulties, but which for that reason, they regarded as a badge of servitude, and shook off as soon as a favourable opportunity offered. Edmund, trusting little to their sincerity in this forced submission, used the precaution of removing the Five-burgers from the towns of Mercia, in which they had been allowed to settle; because it was always found that they took advantage of every commotion, and introduced the rebellious or foreign Danes into the heart of the kingdom. He also conquered Cumberland from the Britons, and conferred that territory on Malcolm, King of Scotland, on condition that he should do him homage for it, and protect the north from all future incursions of the Danes.

Edmund was young when he came to the crown; yet was his reign short, as his death was violent. One day, as he was solemnizing a festival in the county of Gloucester, he remarked that Leolf, a notorious robber, whom he had sentenced to banishment, had yet the boldness to enter the hall where he himself dined, and to sit at table with his attendants. Enraged at this insolence, he ordered him to leave the room; but on his refusing to obey, the king, whose temper, naturally choleric, was inflamed by this additional insult, leaped on him himself and seized him by the hair, but the ruffian, pushed to extremity, drew his dagger and gave Edmund a wound, of which he immediately expired. This event happened in the year 946, and in the sixth year of the king's reign. Edmund left male issue, but so young, that they were incapable of governing the kingdom, and his brother, Edred, was promoted to the throne.

EDRED.—The reign of this prince, as those of his predecessors, was disturbed by the rebellions and incursions of the Northumbrian Danes, who, though frequently quelled, were never entirely subdued, nor had ever paid a sincere allegiance to the crown of England. The accession (A.D. 946) of a new king seemed to them a favourable opportunity for shaking off the yoke; but on Edred's appearance with an army, they made him their wonted submissions, and the king having wasted the country with fire and sword as a punishment of their rebellion, obliged them to renew their oaths of allegiance; and he straight retired with his forces. The obedience of the Danes lasted no longer than the present terror. Provoked at the devastations of Edred, and even reduced by necessity to subsist on plunder, they broke into a new rebellion, and were again subdued: but the king, now instructed by experience, took greater precautions against their future revolt. He fixed English garrisons in their most considerable towns, and placed over them an English governor, who might watch all their motions, and suppress any insurrection on its first appearance. He obliged also Malcolm, King of Scotland, to renew his homage for the lands which he held in England.

Edred, though not unwarlike nor unfit for active life, lay under the influence of the lowest superstition, and had blindly delivered over his conscience to the guidance of Dunstan, commonly called St Dunstan, Abbot of Glastonbury, whom he advanced to the highest offices, and who covered, under the appearance of sanctity, the most violent and



most insolent ambition. Taking advantage of the implicit confidence reposed in him by the king, this churchman imported into England a new order of monks, who much changed the state of ecclesiastical affairs, and excited, on their first establishment, the most violent commotions.

From the introduction of Christianity among the Saxons, there had been monasteries in England; and these establishments had extremely multiplied by the donations of the princes and nobles, whose superstition, derived from their ignorance and precarious life, and increased by remorse for the crimes into which they were so frequently betrayed, knew no other expedient for appeasing the Deity than a profuse liberality towards the ecclesiastics. But the monks had hitherto been a species of secular priests, who lived after the manner of the present canons or prebendaries, and were both intermingled in some degree with the world, and endeavoured to render themselves useful to it. They were employed in the education of youth (Osbeine, in *Anglia Sacra*, tom. ii., p. 92). They had the disposal of their own time and industry. They were not subjected to the rigid rules of an order. They had made no vows of implicit obedience to their superiors (Osbeine, p. 91); and they still retained the choice, without quitting the convent, either of a married or a single life<sup>1</sup>. But a mistaken piety had produced in Italy a new species of monks, called Benedictines; who, carrying farther the plausible principles of mortification, secluded themselves entirely from the world, renounced all claim to liberty, and made a merit of the most inviolable chastity. These practices and principles, which superstition had first engendered, were greedily embraced and promoted by the policy of the court of Rome. The Roman pontiff, who was making every day great advances towards an absolute sovereignty over the ecclesiastics, perceived that the celibacy of the clergy alone could break off entirely their connection with the civil power, and depriving them of every other object of ambition, engage them to promote with unceasing industry the grandeur of their own order. He was sensible, that so long as the monks were indulged in marriage and were permitted to rear families, they never could be subjected to strict discipline, or reduced to that slavery under their superiors which was requisite to procure to the mandates issued from Rome a ready and zealous obedience. Celibacy, therefore, began to be extolled as the indispensable duty of priests; and the Pope undertook to make all the clergy throughout the Western world renounce at once the privilege of marriage. A fortunate policy, but at the same time an undertaking the most difficult of any, since he had the strongest propensities of human nature to encounter, and found that the same connections with the female sex which generally encourage devotion, were here unfavourable to the success of his project. It is no wonder, therefore, that this master-stroke of art should have met with violent contradiction, and that the interests of the hierarchy and the inclinations of the priests being now placed in this singular opposition, should, notwithstanding the continued efforts of Rome, have retarded the execution of that bold scheme during the course of near three centuries.

<sup>1</sup> Wharton's notes to *Anglia Sacra*, vol. ii., p. 91, Gervase, p. 1645, Chron. Wint. MS., apud Spel. Conc., p. 434.

As the bishops and parochial clergy lived apart with their families, and were more connected with the world, the hope of success with them were fainter, and the pretence for making them renounce marriage was much less plausible. But the Pope, having cast his eye on the monks as the basis of his authority, was determined to reduce them under strict rules of obedience, to procure them the credit of sanctity by an appearance of the most rigid mortification, and to break off all their other ties which might interfere with his spiritual policy. Under pretence, therefore, of reforming abuses, which were in some degree unavoidable in the ancient establishments, he had already spread over the southern countries of Europe the severe laws of the monastic life, and began to form attempts towards a like innovation in England. The favourable opportunity offered itself (and it was greedily seized), arising from the weak superstition of Edred, and the violent and impetuous character of Dunstan.

Dunstan was born of noble parents in the West of England; and being educated under his uncle Aldhelm, then Archbishop of Canterbury, had betaken himself to the ecclesiastical life, and had acquired some character in the court of Edmund. He was, however, represented to that prince as a man of licentious manners (Osborne, p. 95; Matt. West, p. 187); and finding his fortune blasted by these suspicions, his ardent ambition prompted him to repair his indiscretions by running into an opposite extreme. He secluded himself entirely from the world; he framed a cell so small that he could neither stand erect in it nor stretch out his limbs during his repose; and he here employed himself perpetually either in devotion or in manual labour (Osborne, p. 96). It is probable that his brain became gradually crazed by these solitary occupations, and that his head was filled with chimeras, which, being believed by himself and his stupid votaries, procured him the general character of sanctity among the people. He fancied that the devil, among the frequent visits which he paid him, was one day more earnest than usual in his temptations; till Dunstan, provoked by his importunity, seized him by the nose with a pair of red hot pincers, as he put his head into the cell; and he held him there till that malignant spirit made the whole neighbourhood resound with his bellowings. This notable exploit was seriously credited and extolled by the public; it is transmitted to posterity by one who, considering the age in which he lived, may pass for a writer of some elegance (Osborne, p. 97), and it insured to Dunstan a reputation which no real piety, much less virtue, could, even in the most enlightened period, have ever procured him with the people.

Supported by the character obtained in his retreat, Dunstan appeared again in the world, and gained such an ascendant over Edred, who had succeeded to the crown, as made him, not only the director of that prince's conscience, but his counsellor in the most momentous affairs of government. He was placed at the head of the treasury (Osborne, p. 102; Wallingford, p. 541), and being thus possessed both of power at court and of credit with the populace, he was enabled to attempt with success the most arduous enterprises. Finding that his advancement had been owing to the opinion of his austerity, he professed himself a partisan of the rigid monastic rules; and after introducing that

reformation into the convents of Glastonbury and Abingdon, he endeavoured to render it universal in the kingdom.

The minds of men were already well prepared for this innovation. The praises of an inviolable chastity had been carried to the highest extravagance by some of the first preachers of Christian perfection : and a total abstinence from all commerce with the sex was deemed such a meritorious penance, as was sufficient to atone for the greatest enormities. The consequence seemed natural, that those at least who officiated at the altar should be clear of this pollution, and when the doctrine of transubstantiation, which was now creeping in (Spel. Conc., vol. i., p. 452), was once fully established, the reverence to the real body of Christ in the eucharist bestowed on this argument an additional force and influence. The monks knew how to avail themselves of all these popular topics, and to set off their own character to the best advantage. They affected the greatest austerity of life and manners. They indulged themselves in the highest strains of devotion. They inveighed bitterly against the vices and pretended luxury of the age. They were particularly vehement against the dissolute lives of the secular clergy, their rivals. Every instance of libertinism in any individual of that order was represented as a general corruption; and where other topics of defamation were wanting, their marriage became a sure subject of invective, and their wives received the name of *concubines*, or other more opprobrious appellation. The secular clergy, on the other hand, who were numerous and rich, and possessed of the ecclesiastical dignities, defended themselves with vigour, and endeavoured to retaliate upon their adversaries. The people were thrown into agitation; and few instances occur of more violent dissensions, excited by the most material differences in religion, or rather by the most frivolous; since it is a just remark that the more affinity there is between theological parties, the greater commonly is their animosity.

The progress of the monks, which was become considerable, was somewhat retarded by the death of Edred, their partisan, who expired after a reign of nine years (Chron. Sax., p. 115). He left children; but as they were infants, his nephew, Edwy, son of Edmund, was placed on the throne.

EDWY.—Edwy, at the time of his accession (A D 955), was not above sixteen or seventeen years of age, was possessed of the most amiable figure, and was even endowed, according to authentic accounts, with the most promising virtues (H. Hunting, lib. v, p. 356). He would have been the favourite of his people, had he not unhappily, at the commencement of his reign, been engaged in a controversy with the monks, whose rage neither the graces of the body nor virtues of the mind could mitigate, and who have pursued his memory with the same unrelenting vengeance which they exercised against his person and dignity during his short and unfortunate reign. There was a beautiful princess of the royal blood, called Elgiva, who had made impression on the tender heart of Edwy; and as he was of an age when the force of the passions first begins to be felt, he had ventured, contrary to the advice of his gravest counsellors, and the remonstrances of the more dignified ecclesiastics (W. Malm., lib. ii., cap. 7), to espouse her; though she was within the degrees of affinity prohibited by the canon-

law (Ibid.). As the austerity affected by the monks made them particularly violent on this occasion, Edwy entertained a strong prepossession against them; and seemed on that account determined not to second their project of expelling the seculars from all the convents, and of possessing themselves of those rich establishments. War was therefore declared between the king and the monks; and the former soon found reason to repent his provoking such dangerous enemies. On the day of his coronation, his nobility were assembled in a great hall, and were indulging themselves in that riot and disorder which, from the example of their German ancestors, had become habitual to the English (Wallingford, p. 542); when Edwy, attracted by softer pleasures, retired into the queen's apartment, and in that privacy gave reins to his fondness towards his wife, which was only moderately checked by the presence of her mother. Dunstan conjectured the reason of the king's retreat; and carrying along with him Odo, Archbishop of Canterbury, over whom he had gained an absolute ascendant, he burst into the apartment, upbraided Edwy with his lasciviousness, probably bestowed on the queen the most opprobrious epithet that can be applied to her sex, and tearing him from her arms, pushed him back in a disgraceful manner into the banquet of the nobles.<sup>1</sup> Edwy, though young, and opposed by the prejudices of the people, found an opportunity of taking revenge for this public insult. He questioned Dunstan concerning the administration of the treasury during the reign of his predecessor,<sup>2</sup> and when that minister refused to give any account of money expended, as he affirmed, by orders of the late king, he accused him of malversation in his office, and banished him the kingdom. But Dunstan's cabal was not inactive during his absence: they filled the public with high panegyrics on his sanctity; they exclaimed against the impiety of the king and queen; and having poisoned the minds of the people by these declamations, they proceeded to still more outrageous acts of violence against the royal authority. Archbishop Odo sent into the palace a party of soldiers, who seized the queen; and having burned her face with a red hot iron, in order to destroy that fatal beauty which had seduced Edwy, they carried her by force into Ireland, there to remain in perpetual exile (Osborne, p. 84; Gervase, p. 1644). Edwy, finding it in vain to resist, was obliged to consent to his divorce, which was pronounced by Odo (Hoveden, p. 425); and a catastrophe, still more dismal, awaited the unhappy Elgiva. That amiable princess, being cured of her wounds, and having even obliterated the scars with which Odo had hoped to deface her beauty, returned into England, and was flying to the embraces of the king, whom she still regarded as her husband, when she fell into the hands of a party whom the primate had sent to intercept her. Nothing but her death could now give security to Odo and the monks, and the most cruel death was requisite to satiate their vengeance. She was hamstrung, and expired a few days after at Gloucester in the most acute torments (Osborne, p. 84; Gervase, p. 1645, 1646).

The English blinded with superstition, instead of being shocked

<sup>1</sup> W. Malm, lib. ii, cap. 7. Osborne, p. 83, 105. M. West, p. 195, 196.

<sup>2</sup> Wallingford, p. 542. Alur Beverl, p. 112.

with his inhumanity, exclaimed that the misfortunes of Edwy and his consort were a just punishment for dissolute contempt of the ecclesiastical statutes. They even proceeded to rebellion against their sovereign, and having placed Edgar at their head, the younger brother of Edwy, a boy of thirteen years of age, they soon put him in possession of Mercia, Northumberland, East-Anglia, and chased Edwy into the southern counties. That it might not be doubtful at whose instigation this revolt was undertaken, Dunstan returned into England and took upon him the government of Edgar and his party. He was first installed in the see of Worcester, then in that of London,<sup>1</sup> and on Odo's death, and the violent expulsion of Brnhelm his successor, in that of Canterbury (Hoveden, p. 425, Osberne, p. 109), of all which he long kept possession. Odo is transmitted to us by the monks under the character of a man of piety; Dunstan was even canonized, and is one of those numerous saints of the same stamp who disgrace the Romish calendar. Meanwhile the unhappy Edwy was excommunicated (Brompton, p. 863), and pursued with unrelenting vengeance; but his death, which happened soon after, freed his enemies from all further inquietude, and gave Edgar peaceable possession of the government.<sup>2</sup>

EDGAR —This prince, who mounted the throne in such early youth, soon discovered an excellent capacity in the administration of affairs; and his reign is one of the most fortunate that we meet with in the ancient English history. He showed no aversion to war, he made the wisest preparations against invaders, and by this vigour and foresight, he was enabled, without any danger of suffering insults, to indulge his inclination towards peace, and to employ himself in supporting and improving the internal government of his kingdom. He maintained a body of disciplined troops; which he quartered in the north, in order to keep the mutinous Northumbrians in subjection, and to repel the inroads of the Scots. He built and supported a powerful navy (Higden, p. 265); and that he might retain the seamen in the practice of their duty, and always present a formidable armament to his enemies, he stationed three squadrons off the coast, and ordered them to make, from time to time, the circuit of his dominions.<sup>3</sup> The foreign Danes dared not to approach a country which appeared in such a posture of defence. The domestic Danes saw inevitable destruction to be the con-

<sup>1</sup> Chron Sax, p. 117, Flor Wigorn, p. 605, Wallingford, p. 544.

<sup>2</sup> There is a seeming contradiction in ancient historians with regard to some circumstances in the history of Edwy and Elgiva. It is agreed that this prince had a violent passion for his second or third cousin, Elgiva whom he married, though within the degrees prohibited by the canons. It is also agreed that he was dragged from a lady on the day of his coronation, and that the lady was afterwards treated with the singular barbarity above mentioned. The only difference is, that Osberne and some others call her his strumpet, not his wife, as she is said to be by Malmesbury. But this difference is easily reconciled: for if Edwy married her contrary to the canons, the monks would be sure to deny her to be his wife, and would insist that she could be nothing but his strumpet, so that, on the whole, we may esteem this representation of the matter as certain, at least, as by far the most probable. If Edwy had only kept a mistress, it is well known that there are methods of accommodation with the Church which would have prevented the clergy from proceeding to such extremities against him. But his marriage contrary to the canons was an insult on their authority, and called for their highest resentment.

<sup>3</sup> Many of the English historians make Edgar's ships amount to an extravagant number, to 3000, or 3600. Hoveden, p. 426, Flor. Wigorn, p. 607, Abbas Rieval, p. 360; Brompton, p. 869, says that Edgar had 4000 vessels. How can these accounts be reconciled

sequence of their tumults and insurrections: the neighbouring sovereigns, the King of Scotland, the princes of Wales, of the Isle of Man, of the Orkneys, and even of Ireland (Spel. Conc., p. 432), were reduced to pay submission to so formidable a monarch. He carried his superiority to a great height, and might have excited an universal combination against him, had not his power been so well established as to deprive his enemies of all hopes of shaking it. It is said that, residing once at Chester, and having proposed to go by water to the abbey of St. John the Baptist, he obliged eight of his tributary princes to row him in a barge upon the Dee<sup>1</sup>. English historians are fond of mentioning the name of Kenneth III., King of Scots, among the number: Scottish historians deny the fact, or assert that their king, if ever he acknowledged himself a vassal to Edgar, did him homage, not for his crown, but for the dominions which he held in England.

But the chief means by which Edgar maintained his authority and preserved public peace, was the paying of court to Dunstan and the monks who had at first placed him on the throne, and who by their pretensions to superior sanctity and purity of manners had acquired an ascendant over the people. He favoured their scheme for dispossessing the secular canons of all the monasteries,<sup>2</sup> he bestowed preferment on none but their partisans; he allowed Dunstan to resign the see of Worcester into the hands of Oswald, one of his creatures (W. Malm., lib. II., cap. 8; Hoveden, p. 425), and to place Ethelwold, another of them, in that of Winchester,<sup>3</sup> he consulted these prelates in the administration of all ecclesiastical, and even in that of civil affairs; and though the vigour of his own genius prevented him from being implicitly guided by them, the king and bishops found such advantages in their mutual agreement, that they always acted in concert, and united their influence in preserving the peace and tranquillity of the kingdom.

In order to complete the great work of placing the new order of monks in all the convents, Edgar summoned a general council of the prelates and the heads of the religious orders. He here inveighed against the dissolute lives of the secular clergy; the smallness of their tonsure, which, it is probable, maintained no longer any resemblance to the crown of thorns; their negligence in attending the exercise of their function; their mixing with the laity in the pleasures of gaming, hunting, dancing, and singing; and their openly living with concubines, by which it is commonly supposed he meant their wives. He then turned himself to Dunstan, the primate, and in the name of King Edred, whom he supposed to look down from heaven with indignation against all those enormities, he thus addressed him 'It is you, Dunstan, by whose advice I founded monasteries, built churches, and expended my treasure in the support of religion and religious houses. You were

to probability, and to the state of the navy in the time of Alfred? W. Thore makes the whole amount to only 300, which is more probable. The fleet of Ethelred, Edgar's son, must have been short of 1000 ships, yet the Saxon Chronicle, p. 137, says that it was the greatest navy that had been ever seen in England.

<sup>1</sup> W. Malm., lib. II., cap. 8. Hoveden, p. 406, H. Hunting., lib. V., p. 356.

<sup>2</sup> Chron. Sax., pp. 117, 118, W. Malm., lib. II., cap. 8, Hoveden, p. 425, 426, Osborne, p. 112.

<sup>3</sup> Gervase, p. 1646, Brompton, p. 864; Flor. Wigorn., p. 606, Abbey Chronicle, St. Petri de Burgo, pp. 27, 28.

‘my counsellor and assistant in all my schemes; you were the director of my conscience, to you I was obedient in all things. When did you call for supplies, which I refused you? Was my assistance ever wanting to the poor? Did I deny support and establishments to the clergy and the convents? Did I not hearken to your instructions, who told me that these charities were, of all others, the most grateful to my Maker, and fixed a perpetual fund for the support of religion? And are all our pious endeavours now frustrated by the dissolute lives of the priests? Not that I throw any blame on you; you have reasoned, besought, inculcated, inveighed: but it now behoves you to use sharper and more vigorous remedies, and conjoining your spiritual authority with the civil power, to purge effectually the temple of God from thieves and intruders.’<sup>1</sup> It is easy to imagine that this harangue had the desired effect; and that when the king and prelates thus concurred with the popular prejudices, it was not long before the monks prevailed, and established their discipline in almost all the convents

We may remark that the declamations against the secular clergy are, both here and in all the historians, conveyed in general terms; and as that order of men are commonly restrained by the decency of their character, it is difficult to believe that the complaints against their dissolute manners could be so universally just as is pretended. It is more probable that the monks paid court to the populace by an affected austerity of life; and representing the most innocent liberties taken by the other clergy as great and unpardonable enormities, thereby prepared the way for the increase of their own power and influence. Edgar, however, like a true politician, concurred with the prevailing party; and he even indulged them in pretensions, which, though they might, when complied with, engage the monks to support royal authority during his own reign, proved afterwards dangerous to his successors, and gave disturbance to the whole civil power. He seconded the policy of the court of Rome, in granting to some monasteries an exemption from episcopal jurisdiction; he allowed the convents, even those of the royal foundation, to usurp the election of their own abbot; and he admitted their forgeries of ancient charters, by which, from the pretended grants of former kings, they assumed many privileges and many immunities.<sup>2</sup>

These merits of Edgar have procured him the highest panegyrics from the monks, and he is transmitted to us, not only under the character of a consummate statesman and an active prince, praises to which he seems to have been justly entitled, but under that of a great saint and a man of virtue. But nothing could more betray both his hypocrisy in inveighing against the licentiousness of the secular clergy, and the interested spirit of his partisans, in bestowing such eulogies on his piety, than the usual tenor of his conduct, which was licentious to the highest degree, and violated every law, human and Divine. Yet those very monks, who, as we are told by Ingulf, a very ancient historian, had no idea of any moral or religious merit, except chastity and obedience, not only connived at his enormities, but loaded him

<sup>1</sup> Abbas Rieval, pp 360, 361. Spel Conc., pp 476, 477, 478

<sup>2</sup> Chron Sax., p 118, W. Mal., lib ii, cap. 8, Seldeni Spicileg ad Eadm., p. 149, 157.

with the greatest praises. History, however, has preserved some instances of his amours, from which, as from a specimen, we may form a conjecture of the rest.

Edgar broke into a convent, carried off Editha, a nun, by force, and even committed violence on her person.<sup>1</sup> For this act of sacrilege he was reprimanded by Dunstan; and that he might reconcile himself to the church, he was obliged not to separate from his mistress, but to abstain from wearing his crown during seven years, and to deprive himself so long of that vain ornament (Osborne, p. 111); a punishment very unequal to that which had been inflicted on the unfortunate Edwy, who, for a marriage which, in the strictest sense, could only deserve the name of irregular, was expelled his kingdom, saw the queer treated with singular barbarity, was loaded with calumnies, and has been represented to us under the most odious colours. Such is the ascendant which may be attained by cabal over mankind.

There was another mistress of Edgar's with whom he first formed a connection by a kind of accident. Passing one day by Andover, he lodged in the house of a nobleman, whose daughter being endowed with all the graces of person and behaviour, inflamed him at first sight with the highest desire; and he resolved by any expedient to gratify it. As he had not leisure to employ courtship or address for attaining his purpose, he went directly to her mother, declared the violence of his passion, and desired that the young lady might be allowed to pass that very night with him. The mother was a woman of virtue, and determined not to dishonour her daughter and her family by compliance; but being well acquainted with the impetuosity of the king's temper, she thought it would be easier, as well as safer, to deceive, than to refuse him. She feigned therefore a submission to his will, but secretly ordered a waiting-maid, of no disagreeable figure, to steal into the king's bed, after all the company should be retired to rest. In the morning, before daybreak, the damsel, agreeably to the injunctions of her mistress, offered to retire, but Edgar, who had no reserve in his pleasures, and whose love to his bedfellow was rather inflamed by enjoyment, refused his consent, and employed force and entreaties to detain her. Elfrida (for that was the name of the maid), trusting to her own charms, and to the love with which, she hoped, she had now inspired the king, made probably but a faint resistance, and the return of light discovered the deceit to Edgar. He had passed a night so that he expressed no displeasure with the old lady on account of her fraud, his love was transferred to Elfrida, she became his favourite mistress; and maintained her ascendant over him till his marriage with Elfrida (W Malm, lib 11, cap 8, Higden, p. 268).

The circumstances of his marriage with this lady were more singular and more criminal. Elfrida was daughter and heir of Olgar, Earl of Devonshire; and though she had been educated in the country, and had never appeared at court, she had filled all England with the reputation of her beauty. Edgar himself, who was indifferent to no accounts of this nature, found his curiosity excited by the frequent

<sup>1</sup> W Malm, lib 11, cap 8, Osborne, p 3, Diceto, p 457, Higden, pp 265, 267, 268; Selman Conc, p 481



panegyrics which he heard of Elfrida, and reflecting on her noble birth, he resolved, if he found her charms answerable to their fame, to obtain possession of her on honourable terms. He communicated his intention to Eal Athelwold, his favourite; but used the precaution, before he made any advances to her parents, to order that nobleman on some pretence to pay them a visit, and to bring him a certain account of the beauty of their daughter. Athelwold, when introduced to the young lady, found general report to have fallen short of the truth; and being actuated by the most vehement love, he determined to sacrifice to this new passion his fidelity to his master and to the trust reposed in him. He returned to Edgar, and told him that the riches alone, and high quality of Elfrida, had been the ground of the admiration paid her, and that her charms, far from being any wise extraordinary, would have been overlooked in a woman of inferior station. When he had by this deceit diverted the king from his purpose, he took an opportunity, after some interval, of turning again the conversation on Elfrida; he remarked that though the parentage and fortune of the lady had not produced on him, as on others, any illusion with regard to her beauty, he could not forbear reflecting that she would on the whole be an advantageous match for him, and might by her birth and riches make him sufficient compensation for the homeliness of her person. If the king, therefore, gave his approbation, he was determined to make proposals in his own behalf to the Earl of Devonshire, and doubted not to obtain his as well as the young lady's consent to the marriage. Edgar, pleased with an expedient for establishing his favourite's fortune, not only exhorted him to execute his purpose, but forwarded his success by his recommendations to the parents of Elfrida; and Athelwold was soon made happy in the possession of his mistress. Dreading, however, the detection of the artifice, he employed every pretence for detaining Elfrida in the country and for keeping her at a distance from Edgar.

The violent passion of Athelwold had rendered him blind to the necessary consequences which must attend his conduct, and the advantages which the numerous enemies that always pursue a royal favourite would by its means be able to make against him. Edgar was soon informed of the truth; but before he would execute vengeance on Athelwold's treachery, he resolved to satisfy himself with his own eyes of the certainty and full extent of his guilt. He told him that he intended to pay him a visit in his castle, and be introduced to the acquaintance of his new-married wife; and Athelwold, as he could not refuse the honour, only craved leave to go before him a few hours, that he might the better prepare everything for his reception. He then discovered the whole matter to Elfrida, and begged her if she had any regard either to her own honour or his life, to conceal from Edgar, by every circumstance of dress and behaviour, that fatal beauty which had seduced him from fidelity to his friend, and had betrayed him into so many falsehoods. Elfrida promised compliance, though nothing was farther from her intentions. She deemed herself little beholden to Athelwold for a passion which had deprived her of a crown, and knowing the force of her own charms, she did not despair even yet of reaching that dignity of which her husband's artifice had

bereaved her. She appeared before the king with all the advantages which the richest attire and the most engaging airs could bestow upon her, and she excited at once in his bosom the highest love towards herself, and the most furious desire of revenge against her husband. He knew, however, how to dissemble these passions, and seducing Athelwold into a wood, on pretence of hunting, he stabbed him with his own hand, and soon after publicly espoused Elfrida.<sup>1</sup>

Before we conclude our account of this reign, we must mention two circumstances which are remarked by historians. The reputation of Edgar allured a great number of foreigners to visit his court, and he gave them encouragement to settle in England.<sup>2</sup> We are told that they imported all the vices of their respective countries, and contributed to corrupt the simple manners of the natives (W. Malm, lib 11, cap 8). but as this simplicity of manners, so highly, and often so injudiciously extolled, did not preserve them from barbarity and treachery, the greatest of all vices, and the most incident to a rude uncultivated people, we ought perhaps to deem their acquaintance with foreigners rather an advantage; as it tended to enlarge their views and to cure them of those illiberal prejudices and rustic manners to which islanders are often subject.

Another remarkable incident of this reign was the extirpation of wolves from England. This advantage was attained by the industrious policy of Edgar. He took great pains in hunting and pursuing those ravenous animals; and when he found that all that escaped him had taken shelter in the mountains and forests of Wales, he changed the tribute of money imposed on the Welsh princes by Athelstan, his predecessor (W. Malm, lib 11, cap. 6, Brompton, p 838), into an annual tribute of 300 heads of wolves; which produced such diligence in hunting them, that the animal has been no more seen on this island.

Edgar died, after a reign of sixteen years, and in the thirty-third of his age. He was succeeded by Edward, whom he had by his first marriage with the daughter of Earl Ordmer

**EDWARD THE MARTYR.**—The succession of this prince, who was only fifteen years of age at his father's death, did not take place (A D 957) without much difficulty and opposition. Elfrida, his step-mother, had a son, Ethelred, seven years old, whom she attempted to raise to the throne. she affirmed that Edgar's marriage with the mother of Edward was exposed to insuperable objections, and as she had possessed great credit with her husband, she had found means to acquire partisans, who seconded all her pretensions. But the title of Edward was supported by many advantages. He was appointed successor by the will of his father (Hoveden, p. 427; Eadmer, p. 3); he was approaching to man's estate, and might soon be able to take into his own hands the reins of government; the principal nobility, dreading the imperious temper of Elfrida, were averse to her son's government, which must enlarge her authority, and probably put her in possession of the regency; above all, Dunstan, whose character of sanctity had

<sup>1</sup> W. Malm, lib. 11, cap 8, Hoveden, p. 426, Brompton, pp 865, 866, Flor Wigorn p. 606, Higden, p 268

<sup>2</sup> Chron Sax., p. 116, H. Hunting., lib v., p. 356; Brompton, p 865.

given him the highest credit with the people, had espoused the cause of Edward, over whom he had already acquired a great ascendant (Eadmer, ex edit. Seldeni, p. 3), and he was determined to execute the will of Edgar in his favour. To cut off all opposite pretensions, Dunstan resolutely anointed and crowned the young prince at Kingston; and the whole kingdom, without further dispute, submitted to him.<sup>1</sup>

It was of great importance to Dunstan and the monks to place on the throne a king favourable to their cause. The secular clergy had still partisans in England who wished to support them in the possession of the convents and of the ecclesiastical authority. On the first intelligence of Edgar's death, Alfere, Duke of Mercia, expelled the new orders of monks from all the monasteries which lay within his jurisdiction;<sup>2</sup> but Elfwin, Duke of East-Anglia, and Brithnot, Duke of the East-Saxons, protected them within their territories, and insisted upon the execution of the late laws enacted in their favour. In order to settle this controversy, there were summoned several synods, which, according to the practice of those times, consisted partly of ecclesiastical members, partly of the lay nobility. The monks were able to prevail in these assemblies, though, as it appears, contrary to the secret wishes, if not the declared inclination, of the leading men in the nation (W. Malm, lib. ii, cap. 9); they had more invention in forging miracles to support their cause; or having been so fortunate as to obtain, by their pretended austerities, the character of piety, their miracles were more credited by the populace.<sup>3</sup>

In one synod, Dunstan, finding the majority of the votes against him, rose up and informed the audience that he had that instant received an immediate revelation in behalf of the monks: the assembly was so astonished at this intelligence, or probably so overawed by the populace, that they proceeded no further in their deliberations. In another synod, a voice issued from the crucifix, and informed the members that the establishment of the monks was founded on the will of Heaven, and could not be opposed without impiety.<sup>4</sup> But the miracle performed in the third synod was still more alarming. the floor of the hall, in which the assembly met, sunk of a sudden, and a great number of the members were either bruised or killed by the fall. It was remarked that Dunstan had that day prevented the king from attending the synod, and that the beam on which his own chair stood was the only one that did not sink under the weight of the assembly.<sup>5</sup> but these circumstances, instead of begetting any suspicion of contrivance, were regarded as the surest proof of the immediate interposition of Providence in behalf of those favourites of Heaven.

Edward lived four years after his accession, and there passed nothing memorable during his reign. His death alone was memorable and tragical (Chron. Sax., p. 124). This young prince was endowed with

<sup>1</sup> W. Malm, lib. ii, cap. 9, Hoveden, p. 427, Osborne, p. 113.

<sup>2</sup> Chron. Sax., p. 123, W. Malm, lib. ii, cap. 9; Hoveden, p. 427; Brompton, p. 870; Flor. Wigorn., p. 607.

<sup>3</sup> Will. Malmesbury, lib. ii, cap. 9, Osborne, p. 112; Gervase, p. 1647; Brompton, p. 870; Higden, p. 269.

<sup>4</sup> Chron. Sax., p. 124; W. Malm, lib. ii, cap. 9, Hoveden, p. 427, H. Hunting, lib. v., p. 357; Gervase, p. 1647; Brompton, p. 870, Flor. Wigorn., p. 607; Higden, p. 269, Chron. Abb. St. Petri de Burgo, p. 29.

the most amiable innocence of manners; and as his own intentions were always pure, he was incapable of entertaining any suspicion against others. Though his step-mother had opposed his succession, and had raised a party in favour of her own son, he always showed her marks of regard, and even expressed on all occasions the most tender affection towards his brother. He was hunting one day in Dorsetshire, and being led by the chase near Corfe Castle, where Elfrida resided, he took the opportunity of paying her a visit, unattended by any of his retinue, and he thereby presented her with the opportunity which she had long wished for. After he had mounted his horse, he desired some liquor to be brought him. while he was holding the cup to his head, a servant of Elfrida approached him and gave him a stab behind. The prince, finding himself wounded, put spurs to his horse, but becoming faint by loss of blood, he fell from the saddle, his foot stuck in the stirrup, and he was dragged along by his unruly horse till he expired. Being tracked by the blood, his body was found, and was privately interred at Wareham by his servants.

The youth and innocence of this prince, with his tragical death, begat such compassion among the people, that they believed miracles to be wrought at his tomb; and they gave him the appellation of martyr, though his murder had no connection with any religious principle or opinion. Elfrida built monasteries and performed many penances in order to atone for her guilt, but could never, by all her hypocrisy or remorse, recover the good opinion of the public, though so easily deluded in those ignorant ages.

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CHAP. III.—*Ethelred.—Settlement of the Normans.—Edmund Ironside.—Canute.—Harold Harefoot.—Hardicanute.—Edward the Confessor.—Harold.*

ETHELRED —The freedom which England had so long enjoyed from the depredations of the Danes seems to have proceeded partly from the establishments which that piratical nation had obtained in the north of France, and which employed all their superfluous hands to people and maintain them, partly from the vigour and warlike spirit of a long race of English princes, who preserved the kingdom in a posture of defence by sea and land, and either prevented or repelled every attempt of the invaders. But a new generation of men being now sprung up in the northern regions, who could no longer disburden themselves on Normandy, the English had reason to dread that the Danes would again visit an island to which they were invited, both by the memory of their past successes, and by the expectation of assistance from their countrymen, who, though long established in the kingdom, were not yet thoroughly incorporated with the natives, nor had entirely forgotten their inveterate habits of war and depredation. And as the reigning prince was (A D 978) a minor, and even when he attained to man's estate never discovered either courage or capacity sufficient to govern his own subjects, much less to repel a formidable

enemy, the people might justly apprehend the worst calamities from so dangerous a crisis.

The Danes, before they durst attempt any important enterprise against England, made an inconsiderable descent by way of trial; and having (A.D. 981) landed from seven vessels near Southampton, they ravaged the country, enriched themselves by spoil, and departed with impunity. Six years after, they made a like attempt in the West, and met with like success. The invaders, having now found affairs in a very different situation from that in which they formerly appeared, encouraged their countrymen to assemble a greater force, and to hope for more considerable advantages. They landed in Essex under the command of two leaders; and having (A.D. 991) defeated and slain at Maldon Brithnot, duke of that county, who ventured with a small body to attack them, they spread their devastations over all the neighbouring provinces. In this extremity, Ethelred, to whom historians give the epithet of the *Unready*, instead of rousing his people to defend with courage their honour and their property, hearkened to the advice of Surcius, Archbishop of Canterbury, which was seconded by many of the degenerate nobility; and paying the enemy the sum of ten thousand pounds, he bribed them to depart the kingdom. This shameful expedient was attended with the success which might be expected. The Danes next year appeared off the eastern coast, in hopes of subduing a people who defended themselves by their money, which invited assailants, instead of their arms, which repelled them. But the English, sensible of their folly, had in the interval assembled in a great council, and had determined to collect at London a fleet able to give battle to the enemy (Chron Sax., p. 126); though that judicious measure failed of success from the treachery of Alfric, Duke of Mercia, whose name is infamous in the annals of that age, by the calamities his repeated perfidy brought upon this country. This nobleman had, in A.D. 983, succeeded to his father Alfer in that extensive command; but being deprived of it two years after, and banished the kingdom, he was obliged to employ all his intrigue and all his power, which was too great for a subject, to be restored to his country and reinstated in his authority. Having had experience of the credit and malevolence of his enemies, he thenceforth trusted for security, not to his services or to the affections of his fellow-citizens, but to the influence which he had obtained over his vassals, and to the public calamities which he thought must in every revolution render his assistance necessary. Having fixed this resolution, he determined to prevent all such successes as might establish the royal authority, or render his own situation dependent or precarious. As the English had formed the plan of surrounding and destroying the Danish fleet in harbour, he privately informed the enemy of their danger; and when they put to sea in consequence of this intelligence, he deserted to them with the squadron under his command the night before the engagement, and thereby disappointed all the efforts of his countrymen<sup>1</sup>. Ethelred, enraged at his perfidy, seized his son Algar, and ordered his eyes to be put out (Chron Sax., p. 128, W. Malm., p. 62). But such was the power of Alfric, that he again forced himself into authority;

<sup>1</sup> Chron Sax., p. 127; W. Malm., p. 62; Higden, p. 270.

and though he had given this specimen of his character, and received this grievous provocation, it was found necessary to entrust him anew with the government of Mercia. This conduct of the court, which in all its circumstances is so barbarous, weak, and imprudent, both merited and prognosticated the most grievous calamities.

The northern invaders, now well acquainted with the defenceless condition of England, made (A.D. 993) a powerful descent under the command of Sweyn, King of Denmark, and Olave, King of Norway; and sailing up the Humber, spread on all sides their destructive ravages. Lindesey was laid waste, Banbury was destroyed, and all the Northumbrians, though mostly of Danish descent, were constrained either to join the invaders or to suffer under their depredations. A powerful army was assembled to oppose the Danes, and a general action ensued; but the English were deserted in the battle, from the cowardice or treachery of their three leaders, all of them men of Danish race, Frena, Frithegist, and Godwin, who gave the example of a shameful flight to the troops under their command.

Encouraged by this success, and still more by the contempt which it inspired for their enemy, the pirates ventured to attack the centre of the kingdom, and entering the Thames in ninety-four vessels, laid siege to London, and threatened it with total destruction. But the citizens, alarmed at the danger, and firmly united among themselves, made a bolder defence than the cowardice of the nobility and gentry gave the invaders reason to apprehend; and the besiegers, after suffering the greatest hardships, were finally frustrated in their attempt. In order to revenge themselves, they laid waste Essex, Sussex, and Hampshire, and having there procured horses, they were thereby enabled to spread through the more inland counties the fury of their depredations. In this extremity, Ethelred and his nobles had recourse to the former expedient, and sending ambassadors to the two northern kings, they promised them subsistence and tribute on condition that they would for the present put an end to their ravages and soon after depart the kingdom. Sweyn and Olave agreed to the terms, and peaceably took up their quarters at Southampton, where the sum of sixteen thousand pounds was paid to them. Olave even made a journey to Andover, where Ethelred resided, and he received the rite of confirmation from the English bishops, as well as many rich presents from the king. He here promised that he would never more infest the English territories, and he faithfully fulfilled the engagement. This prince receives the appellation of St. Olave from the Church of Rome, and notwithstanding the general presumption which lies either against the understanding or morals of every one who in those ignorant ages was dignified with that title, he seems to have been a man of merit and of virtue. Sweyn, though less scrupulous than Olave, was constrained, upon the departure of the Norwegian prince, to evacuate also the kingdom with all his followers.

This composition brought only a short interval to the miseries of the English. The Danish pirates appeared, (A.D. 997) in the Severn, and having committed spoil in Wales, as well as in Cornwall and Devonshire, they sailed round to the south coast, and entering the Tamar, completed the devastation of these two counties. They

then returned to the Bristol Channel, and penetrating into the country by the Avon, spread themselves over all that neighbourhood, and carried fire and sword even into Dorsetshire. They (A.D. 998) next changed the seat of war, and after ravaging the Isle of Wight, they entered the Thames and Medway, and laid siege to Rochester, where they defeated the Kentish men in a pitched battle. After this victory, the whole province of Kent was made a scene of slaughter, fire, and devastation. The extremity of these miseries forced the English into counsels for common defence both by sea and land; but the weakness of the king, the divisions among the nobility, the treachery of some, the cowardice of others, the want of concert in all, frustrated every endeavour: their fleets and armies either came too late to attack the enemy, or were repulsed with dishonour, and the people were thus equally ruined by resistance or by submission. The English therefore, destitute both of prudence and unanimity in council, of courage and conduct in the field, had recourse to the same weak expedient which by experience they had already found so ineffectual, they offered the Danes to buy peace, by paying them a large sum of money. These ravagers rose continually in their demands, and now required the payment of 24,000*l.*, to which the English were so mean and imprudent as to submit (Hoveden, p. 429; Chron. Mailr., p. 153). The departure of the Danes procured them another short interval of repose, which they enjoyed as if it were to be perpetual, without making any effectual preparations for a more vigorous resistance upon the next return of the enemy.

Besides receiving this sum, the Danes were engaged by another motive to depart a kingdom which appeared so little in a situation to resist their efforts. They were invited over by their countrymen in Normandy, who at this time were hard pressed by the arms of Robert, King of France, and who found it difficult to defend the settlement, which, with so much advantage to themselves and glory to their nation, they had made in that country. It is probable also that Ethelred, observing the close connections thus maintained among all the Danes, however divided in government or situation, was desirous of forming an alliance with that formidable people. For this purpose, being now a widower, he made his addresses to Emma, sister to Richard II., Duke of Normandy, and he soon succeeded in his negotiation. The princess came over this year to England, and was (A.D. 1001) married to Ethelred (H. Hunt, p. 359; Higden, p. 271).

In the end of the ninth, and beginning of the tenth century,—when the north, not yet exhausted by that multitude of people, or rather nations, which she had successfully emitted, sent forth a new race, not of conquerors as before, but of pirates and ravagers, who infested the countries possessed by her once warlike sons,—lived Rollo, a petty prince or chieftain of Denmark, whose valour and abilities soon engaged the attention of his countrymen. He was exposed in his youth to the jealousy of the King of Denmark, who attacked his small but independent principality; and who, being foiled in every assault, had recourse at last to perfidy for effecting his purpose, which he had often attempted in vain by force of arms.<sup>1</sup> He lulled Rollo into security by

<sup>1</sup> Dudo, ex edit. Duchesne, pp. 70, 71; Gul. Gemetioensis, lib. ii., cap. 2, 3.

an insidious peace; and falling suddenly upon him, murdered his brother and his bravest officers, and forced him to fly for safety into Scandinavia. Here many of his ancient subjects, induced partly by affection to their prince, partly by the oppressions of the Danish monarch, ranged themselves under his standard and offered to follow him in every enterprise. Rollo, instead of attempting to recover his paternal dominions, where he must expect a vigorous resistance from the Danes, determined to pursue an easier but more important undertaking, and to make his fortune, in imitation of his countrymen, by pillaging the richer and more southern coasts of Europe. He collected a body of troops, which, like that of all those ravagers, was composed of Norwegians, Swedes, Frisians, Danes, and adventurers of all nations, who, being accustomed to a roving, unsettled life, took delight in nothing but war and plunder. His reputation brought him associates from all quarters, and a vision which he pretended to have appeared to him in his sleep, and which, according to his interpretation of it, prognosticated the greatest successes, proved also the powerful incentive with those ignorant and superstitious people (Dudo, p. 71; Gul Gem, in epist. ad Gul Conq.).

The first attempt made by Rollo was on England, near the end of Alfred's reign, when that great monarch having settled Guthrum and his followers in East-Anglia, and others of those freebooters in Northumberland, and having restored peace to his harassed country, had established the most excellent military as well as civil institutions among the English. The prudent Dane, finding that no advantages could be gained over such a people, governed by such a prince, soon turned his enterprises against France, which he found more exposed to his inroads (Gul. Gemet, lib. 11, cap. 6), and during the reigns of Eudes, an usurper, and of Charles the Simple, a weak prince, he committed the most destructive ravages both on the inland and maritime provinces of that kingdom. The French, having no means of defence against a leader who united all the valour of his countrymen with the policy of more civilized nations, were obliged to submit to the expedient practised by Alfred, and to offer the Danes a settlement in those provinces which they had depopulated by their arms (Dudo, p. 82).

The reason why the Danes for many years pursued measures so different from those which had been embraced by the Goths, Vandals, Franks, Burgundians, Lombards, and other northern conquerors, was the great difference in the method of attack which was practised by these several nations, and to which the nature of their respective situations necessarily confined them. The latter tribes, living in an inland country, made incursions by land upon the Roman empire; and when they entered far into the frontiers, they were obliged to carry along with them their wives and families, whom they had no hopes of soon revisiting, and who could not otherwise participate of their plunder. This circumstance quickly made them think of forcing a settlement in the provinces which they had overrun, and these barbarians, spreading themselves over the country, found an interest in protecting the property and industry of the people whom they had subdued. But the Danes and Norwegians, invited by their maritime situation, and obliged to maintain themselves in their uncultivated



country by fishing, had acquired some experience of navigation; and in their military excursions pursued the method practised against the Roman empire by the more early Saxons. They made descents in small bodies from their ships, or rather boats, and ravaging the coasts, returned with the booty to their families, whom they could not conveniently carry along with them in those hazardous enterprises. But when they increased their armaments, made incursions into the inland countries, and found it safe to remain longer in the midst of the enfeebled enemy, they had been accustomed to crowd their vessels with their wives and children, and having no longer any temptation to return to their own country, they willingly embraced an opportunity of settling in the warm climates and cultivated fields of the south.

Affairs were in this situation with Rollo and his followers, when Charles proposed to relinquish to them part of the province formerly called Neustria, and to purchase peace on these hard conditions. After all the terms were fully settled, there appeared only one circumstance shocking to the haughty Dane. He was required to do homage to Charles for this province, and to put himself in that humiliating posture imposed on vassals by the rites of the feudal law. He long refused to submit to this indignity, but being unwilling to lose such important advantages for a mere ceremony, he made a sacrifice of his pride to his interest, and acknowledged himself, in form, the vassal of the French monarch (Ypod. Neust., p. 417). Charles gave him his daughter, Gisla, in marriage; and, that he might bind him faster to his interests, made him a donation of a considerable territory besides that which he was obliged to surrender to him by his stipulations. When some of the French nobles informed him that in return for so generous a present it was expected that he should throw himself at the king's feet and make suitable acknowledgment of his bounty, Rollo replied that he would rather decline the present; and it was with some difficulty they could persuade him to make that compliment by one of his captains. The Dane commissioned for this purpose, full of indignation at the order, and despising so unwarlike a prince, caught Charles by the foot, and pretending to carry it to his mouth that he might kiss it, overthrew him before his courtiers. The French, sensible of their weakness, found it prudent to overlook this insult (Gul. Gemet., lib. 11, cap. 17).

Rollo, who was now in the decline of life, and was tired of wars and depredations, applied himself with mature counsels to the settlement of his newly acquired territory, which was thenceforth called Normandy; and he parcelled it out among his captains and followers. He followed in this partition the customs of the feudal law, which was then universally established in the southern countries of Europe, and which suited the peculiar circumstances of that age. He treated the French subjects, who submitted to him, with mildness and justice; he reclaimed his ancient followers from their ferocious violence, he established law and order throughout his state; and after a life spent in tumults and ravages, he died peaceably in a good old age, and left his dominions to his posterity (Gul. Gemet., lib. 11, cap. 19).

William I, who succeeded him, governed the duchy twenty-five years; and during that time the Normans were thoroughly intermingled with

the French, had acquired their language, had imitated their manners, and had made such progress towards cultivation, that on the death of William, his son Richard, though a minor (Order. Vitalis, p. 459; Gul. Gemet., lib. iv, cap. 1), inherited his dominions. a sure proof that the Normans were already somewhat advanced in civility, and that their government could now rest secure on its laws and civil institutions, and was not wholly sustained by the abilities of the sovereign. Richard, after a long reign of fifty-four years, was succeeded by his son of the same name, in the year 996 (Order. Vitalis, p. 459); which was eighty-five years after the first establishment of the Normans in France. This was the duke who gave his sister, Emma, in marriage to Ethelred, King of England, and who thereby formed connections with a country which his posterity was destined so soon after to subdue.

The Danes had been established during a longer period in England than in France; and though the similarity of their original language to that of the Saxons invited them to a more early coalition with the natives, they had hitherto found so little example of civilized manners among the English, that they retained all their ancient ferocity, and valued themselves only on their national character of military bravery. The recent as well as more ancient achievements of their countrymen tended to support this idea; and the English princes, particularly Athelstan and Edgar, sensible of that superiority, had been accustomed to keep in pay bodies of Danish troops who were quartered about the country and committed many violences upon the inhabitants. These mercenaries had attained to such a height of luxury, according to the old English writers (Wallingford, p. 547), that they combed their hair once a day, bathed themselves once a week, changed their clothes frequently; and by all these arts of effeminacy, as well as by their military character, had rendered themselves so agreeable to the fair sex, that they debauched the wives and daughters of the English and dishonoured many families. But what most provoked the inhabitants was, that instead of defending them against invaders, they were ever ready to betray them to the foreign Danes and to associate themselves with all straggling parties of that nation. The animosity between the inhabitants of English and Danish race had, from these repeated injuries, risen to a great height; when Ethelred, from a policy incident to weak princes, embraced the cruel resolution of massacring the latter throughout all his dominions<sup>1</sup>. Secret orders were despatched to commence the execution everywhere on the same day; and the festival of St. Brice, which fell (Nov. 13, 1002) on a Sunday, the day on which the Danes usually bathed themselves, was chosen for that purpose. It is needless to repeat the accounts transmitted concerning the bar-

<sup>1</sup> Almost all the ancient historians speak of this massacre of the Danes as if it had been universal, and as if every individual of that nation throughout England had been put to death. But the Danes were almost the sole inhabitants in the kingdoms of Northumberland and East-Anglia, and were very numerous in Mercia. This representation, therefore, of the matter is absolutely impossible. Great resistance must have been made, and violent wars ensued which was not the case. This account given by Wallingford, though he stands single, must be admitted as the only true one. We are told, that the name *Lurdane*, lord *Dane*, for an idle lazy fellow, who lives at other people's expense, came from the conduct of the Danes who were put to death. But the English princes had been entirely masters for several generations, and only supported a military corps of that nation. It seems probable, therefore, that it was these Danes only that were put to death.

barity of this massacre. The rage of the populace, excited by so many injuries, sanctified by authority and stimulated by example, distinguished not between innocence and guilt, spared neither sex nor age, and was not satiated without the tortures as well as death of the unhappy victims. Even Gunilda, sister to the King of Denmark, who had married Earl Palling, and had embraced Christianity, was, by the advice of Edric, Earl of Wilts, seized and condemned to death by Ethelred, after seeing her husband and children butchered before her face. This unhappy princess foretold, in the agonies of despair, that her murder would soon be avenged by the total ruin of the English nation.

Never was prophecy better fulfilled; and never did barbarous policy prove more fatal to the authors. Sweyn and his Danes, who wanted but a pretence for invading the English, appeared (A.D. 1003) off the western coast, and threatened to take full revenge for the slaughter of their countrymen. Exeter fell first into their hands, from the negligence or treachery of Earl Hugh, a Norman, who had been made governor by the interest of Queen Emma. They began to spread their devastations over the country; when the English, sensible what outrages they must now expect from their barbarous and offended enemy, assembled more early and in greater numbers than usual, and made an appearance of vigorous resistance. But all these preparations were frustrated by the treachery of Duke Alfric, who was entrusted with the command, and who, feigning sickness, refused to lead the army against the Danes, till it was dispirited and at last dissipated by his fatal misconduct. Alfric soon after died, and Edric, a greater traitor than he, who had married the king's daughter, and had acquired a total ascendancy over him, succeeded Alfric in the government of Mercia, and in the command of the English armies. A great famine, proceeding partly from the bad seasons, partly from the decay of agriculture, added to all the other miseries of the inhabitants. The country, wasted by the Danes, harassed by the fruitless expeditions of its own forces, was reduced to desolation, and submitted to the infamy of purchasing a precarious peace from the enemy by the payment of 30,000*l*.

The English endeavoured to employ this interval in making preparations against the return of the Danes, which they had reason soon to expect. A law was made, ordering the proprietors of eight hides of land to provide each a horseman and a complete suit of armour; and those of 310 hides to equip a ship for the defence of the coast. When this navy was assembled, which must have consisted of near eight hundred vessels,<sup>1</sup> all hopes of its success were disappointed by the factions, animosities, and dissensions of the nobility. Edric had impelled his brother Bightric to prefer an accusation of treason against Wolfnoth, governor of Sussex, the father of the famous Earl Godwin; and that nobleman, well acquainted with the malevolence as well as power of his enemy, found no means of safety but in deserting with twenty ships to the Danes. Bightric pursued him with a fleet of eighty sail; but his ships being shattered in a tempest, and stranded on the coast, he was suddenly attacked by Wolfnoth, and all his vessels burnt and de-

<sup>1</sup> There were 243,600 hides in England. Consequently the ships equipped must be 785. The cavalry was 30,450 men.

stroyed. The imbecility of the king was little capable of repairing this misfortune; the treachery of Edric frustrated every plan for future defence and the English navy, disconcerted, discouraged, and divided, was at last scattered into its several harbours.

It is almost impossible, or would be tedious, to relate particularly all the miseries to which the English were thenceforth exposed. We hear of nothing but the sacking and burning of towns; the devastation of the open country; the appearance of the enemy in every quarter of the kingdom; their cruel diligence in discovering any corner which had not been ransacked by their former violence. The broken and disjointed narration of the ancient historians is here well adapted to the nature of the war, which was conducted by such sudden inroads as would have been dangerous even to an united and well governed kingdom, but proved fatal where nothing but a general consternation and mutual diffidence and dissension prevailed. The governors of one province refused to march to the assistance of another, and were at last terrified from assembling their forces for the defence of their own province. General councils were summoned; but either no resolution was taken, or none was carried into execution. And the only expedient in which the English agreed, was the base one of buying a new peace from the Danes by the payment of 48,000*l*.

This measure did not bring them even that short interval of repose which they had expected from it. The Danes, disregarding all engagements, continued their devastations and hostilities; levied a new contribution of 8000*l*. upon the county of Kent alone, murdered the Archbishop of Canterbury, who had refused to countenance this exaction; and the English nobility found no other resource than that of submitting everywhere to the Danish monarch, swearing allegiance to him, and (A.D. 1013) delivering him hostages for their fidelity. Ethelred, equally afraid of the violence of the enemy and the treachery of his own subjects, fled into Normandy, whither he had sent before him Queen Emma and her sons, Alfred and Edward. Richard received his unhappy guests with a generosity that does honour to his memory.

The king had (A.D. 1014) not been above six weeks in Normandy, when he heard of the death of Sweyn, who expired at Gainsborough before he had time to establish himself in his newly acquired dominions. The English prelates and nobility, taking advantage of this event, sent over a deputation to Normandy, invited Ethelred to return to them, expressing a desire of being again governed by their native prince; and intimating their hopes that, being now tutored by experience, he would avoid all those errors which had been attended with such misfortunes to himself and to his people. But the misconduct of Ethelred was incurable; and on his resuming the government, he discovered the same incapacity, indolence, cowardice, and credulity, which so often exposed him to the insults of his enemies. His son-in-law, Edric, notwithstanding his repeated treasons, retained such influence at court as to instil into the king jealousies of Sigefert and Morcar, two of the chief nobles of Mercia. Edric allured them into his house, where he murdered them; while Ethelred participated in the infamy of the action, by confiscating their estates, and thrusting into a convent the widow of Sigefert. She was a woman of singular beauty and merit; and in a

visit which was paid her, during her confinement, by prince Edmond, the king's eldest son, she inspired him with so violent an affection, that he released her from the convent, and soon after married her, without the consent of his father.

Meanwhile the English found in Canute, the son and successor of Sweyn, an enemy no less terrible than the prince from whom death had so lately delivered them. He ravaged the eastern coast with merciless fury, and put ashore all the English hostages at Sandwich, after having cut off their hands and noses. He was obliged, by the necessity of his affairs, to make a voyage to Denmark; but returning soon after, he continued his depredations along the southern coast. He even broke into the counties of Dorset, Wilts, and Somerset, where an army was assembled against him, under the command of Prince Edmond and Duke Edric. The latter still continued his perfidious machinations; and after endeavouring in vain to get the prince into his power, he (A.D. 1015) found means to disperse the army; and he then openly deserted to Canute with forty vessels.

Notwithstanding this misfortune, Edmond was not disconcerted; but assembling all the force of England, he was in a condition to give battle to the enemy. The king had had such frequent experience of perfidy among his subjects, that he had lost all confidence in them. He remained at London, pretending sickness, but really from apprehensions that they intended to buy their peace by delivering him into the hands of his enemies. The army called aloud for their sovereign to march at their head against the Danes; and on his refusal to take the field, they were so discouraged, that those vast preparations became ineffectual for the defence of the kingdom. Edmond, deprived of all regular supplies to maintain his soldiers, was obliged to commit equal ravages with those which were practised by the Danes; and after making some fruitless expeditions into the north, which had submitted entirely to Canute's power, he retired to London, determined there to maintain to the last extremity the small remains of English liberty. He here found everything in confusion by the death of the king, who (A.D. 1016) expired after an unhappy and inglorious reign of thirty-five years. He left two sons by his first marriage, Edmond, who succeeded him, and Edwy, whom Canute afterwards murdered. His two sons by the second marriage, Alfred and Edward, were immediately upon Ethelred's death, conveyed into Normandy by Queen Emma.

**EDMOND IRONSIDE**—This prince, who received the name of Ironside from his hardy valour, possessed courage and abilities sufficient to have prevented his country from sinking into those calamities, but not to raise it from that abyss of misery into which it had already fallen. Among the other misfortunes of the English, treachery and disaffection had crept in among the nobility and prelates; and Edmond found no better expedient for stopping the further progress of these fatal evils, than to lead his army instantly into the field, and to employ them against the common enemy. After meeting with some success at Gillingham, he prepared himself to decide in one general engagement, the fate of his crown; and at Scoerston, in the county of Gloucester, he offered battle to the enemy, who were commanded by Canute and Edric. Fortune in the beginning of the day declared

for him; but Edric, having cut off the head of one Osmer, whose countenance resembled that of Edmond, fixed it on a spear, carried it through the ranks in triumph, and called aloud to the English that it was time to fly; for, behold, the head of their sovereign. And though Edmond, observing the consternation of the troops, took off his helmet and showed himself to them, the utmost he could gain by his activity and valour was to leave the victory undecided. Edric now took a surer method to ruin him, by pretending to desert to him; and as Edmond was well acquainted with his power, and probably knew no other of the chief nobility in whom he could repose more confidence, he was obliged, notwithstanding the repeated perfidy of the man, to give him a considerable command in the army. A battle soon after ensued at Assington in Essex; where Edric, flying in the beginning of the day, occasioned the total defeat of the English, followed by a great slaughter of the nobility. The indefatigable Edmond, however, had still resources: assembling a new army at Gloucester, he was again in a condition to dispute the field; when the Danish and English nobility, equally harassed with those convulsions, obliged their kings to come to a compromise, and to divide the kingdom between them by treaty. Canute reserved to himself the northern division, consisting of Mercia, East-Anglia, and Northumberland, which he had entirely subdued; the southern parts were left to Edmond. This prince survived the treaty about a month. He was murdered at Oxford by two of his chamberlains, accomplices of Edric, who thereby made way for the succession of Canute the Dane to the crown of England.

CANUTE.—The English, who had been unable to defend their country, and maintain their independency, under so active and brave a prince as Edmond, could, after his death, expect nothing but total subjection from Canute, who (A.D. 1017), active and brave himself, and at the head of a great force, was ready to take advantage of the minority of Edwin and Edward, the two sons of Edmond. Yet this conqueror, who was commonly so little scrupulous, showed himself anxious to cover his injustice under plausible pretences. Before he seized the dominions of the English princes, he summoned a general assembly of the states, in order to fix the succession of the kingdom. He here suborned some nobles to depose, that, in the treaty of Gloucester, it had been verbally agreed either to name Canute, in case of Edmond's death, successor to his dominions, or tutor to his children (for historians vary in this particular), and that evidence, supported by the great power of Canute, determined the states immediately to put the Danish monarch in possession of the government. Canute, jealous of the two princes, but sensible that he should render himself extremely odious, if he ordered them to be despatched in England, sent them abroad to his ally, the King of Sweden, whom he desired, as soon as they arrived at his court, to free him, by their death, from all further anxiety. The Swedish monarch was too generous to comply with the request, but being afraid of drawing on himself a quarrel with Canute, by protecting the young princes, he sent them to Solomon, King of Hungary, to be educated in his court. The elder, Edwin, was afterwards married to the sister of the King of Hungary; but the English prince dying without issue, Solomon gave his sister-in-law, Agatha,

daughter of the Emperor Henry II, in marriage to Edward, the younger brother; and she bore him Edgar Atheling, Margaet, afterwards Queen of Scotland, and Christina, who retired into a convent.

Canute, though he had reached the great point of his ambition, in obtaining possession of the English crown, was obliged at first to make great sacrifices to it, and to gratify the chief of the nobility by bestowing on them the most extensive governments and jurisdictions. He created Thurkill Earl or Duke of East-Anglia (for these titles were then nearly of the same import), Yric of Northumberland, and Edric of Mercia, reserving only to himself the administration of Wessex. But seizing afterwards a favourable opportunity, he expelled Thurkill and Yric from their governments, and banished them the kingdom; he put to death many of the English nobility, on whose fidelity he could not rely, and whom he hated on account of their disloyalty to their native prince. And even the traitor Edric, having had the assurance to reproach him with his services, was condemned to be executed, and his body to be thrown into the Thames, a suitable reward for his multiplied acts of perfidy and rebellion.

Canute also found himself obliged, in the beginning of his reign, to load the people with heavy taxes, in order to reward his Danish followers; he exacted from them at one time the sum of 72,000*l.*; besides 11,000*l.* which he levied on London alone. He was probably willing, from political motives, to mulct severely that city, on account of the affection which it had borne to Edmond, and the resistance which it had made to the Danish power in two obstinate sieges.<sup>1</sup> But these rigours were imputed to necessity, and Canute, like a wise prince, was determined that the English, now deprived of all their dangerous leaders, should be reconciled to the Danish yoke, by the justice and impartiality of his administration. He sent back to Denmark as many of his followers as he could safely spare; he restored the Saxon customs in a general assembly of the states; he made no distinction between Danes and English in the distribution of justice, and he took care, by a strict execution of law, to protect the lives and properties of all his people. The Danes were gradually incorporated with his new subjects, and both were glad to obtain a little respite from those multiplied calamities from which the one, no less than the other, had, in their fierce contest for power, experienced such fatal consequences.

The removal of Edmond's children into so distant a country as Hungary, was, next to their death, regarded by Canute as the greatest security to his government; he had no further anxiety, except with regard to Alfred and Edward, who were protected and supported by their uncle, Richard, Duke of Normandy. Richard even fitted out a great armament, in order to restore the English princes to the throne of their ancestors; and though the navy was dispersed by a storm, Canute saw the danger to which he was exposed, from the enmity of so warlike a people as the Normans. In order to acquire the friendship of the duke, he paid his addresses to Queen Emma, sister of that prince, and promised that he would leave the children, whom he

<sup>1</sup> W. Malm. p. 72. In one of these sieges, Canute diverted the course of the Thames, and by that means brought his ships above London Bridge.

should have by that marriage, in the possession of the crown of England. Richard complied with this demand, and sent over Emma to England, where she was soon after married to Canute (Chron. Sax., p. 151; W. Malm., p. 73). The English, though they disapproved of her espousing the mortal enemy of her former husband and his family, were pleased to find at court a sovereign to whom they were accustomed, and who had already formed connections with them; and thus Canute, besides securing by this marriage the alliance of Normandy, gradually acquired, by the same means, the confidence of his own subjects (W. Malm., p. 73, Hidgen, p. 275). The Norman prince did not long survive the marriage of Emma, and he left the inheritance of the duchy to his eldest son of the same name; who dying a year after him, without children, was succeeded by his brother Robert, a man of valour and abilities.

Canute, having settled his power in England beyond all danger of a revolution, made a voyage to Denmark, in order to resist the attacks of the King of Sweden, and he carried along with him a great body of the English under the command of Earl Godwin. This nobleman had here an opportunity of performing a service by which he both reconciled the king's mind to the English nation, and, gaining to himself the friendship of the sovereign, laid the foundation of that immense fortune which he acquired to his family. He was stationed next the Swedish camp; and observing a favourable opportunity which he was obliged suddenly to seize, he attacked the enemy in the night, drove them from their trenches, threw them into disorder, pursued his advantage, and obtained a decisive victory over them. Next morning, Canute, seeing the English camp entirely abandoned, imagined that those disaffected troops had deserted to the enemy; he was agreeably surprised to find that they were at that time engaged in pursuit of the discomfited Swedes. He was so pleased with his success and with the manner of obtaining it, that he bestowed his daughter in marriage upon Godwin, and treated him ever after with entire confidence and regard.

In another voyage which he made (A.D. 1028) to Denmark, Canute attacked Norway, and expelling the just but unwarlike Olaus, kept possession of his kingdom till the death of that prince. He had now, by his conquests and valour attained the utmost height of grandeur; having leisure from wars and intrigues, he felt the unsatisfactory nature of all human enjoyments, and equally weary of the glories and turmoils of this life, he began to cast his view towards that future existence which it is so natural for the human mind, whether satiated by prosperity, or disgusted with adversity, to make the object of its attention. Unfortunately, the spirit which prevailed in that age gave a wrong direction to his devotion; instead of making compensation to those whom he had injured by his former acts of violence, he employed himself entirely in those exercises of piety which the monks represented as the most meritorious. He built churches, he endowed monasteries, he enriched the ecclesiastics, and he bestowed revenues for the support of charities at Assington and other places, where he appointed prayers to be said for the souls of those who had fallen in battle against him. He even undertook a pilgrimage to Rome, where he resided a consider-



able time; besides obtaining from the Pope some privileges for the English school erected there, he engaged all the princes through whose dominions he was obliged to pass, to desist from those heavy impositions and tolls which they were accustomed to exact from the English pilgrims. By this spirit of devotion, no less than by his equitable and politic administration, he gained, in a good measure, the affections of his subjects.

Canute, the greatest and most powerful monarch of his time, sovereign of Denmark and Norway, as well as of England, could not fail of meeting with adulation from his courtiers, a tribute which is liberally paid even to the meanest and weakest princes. Some of his flatterers breaking out one day in admiration of his grandeur, exclaimed that everything was possible for him; upon which the monarch, it is said, ordered his chair to be set on the sea-shore, while the tide was rising; and as the waters approached, he commanded them to retire, and to obey the voice of him who was lord of the ocean. He feigned to sit some time in expectation of their submission; but when the sea still advanced towards him, and began to wash him with its billows, he turned to his courtiers, and remarked to them that every creature in the universe was feeble and impotent, and that power resided with one Being alone, in whose hands were all the elements of nature; who could say to the ocean, 'Thus far shalt thou go, and no farther,' and who could level with His nod the most towering piles of human pride and ambition.

The only memorable action which Canute performed after his return from Rome, was an expedition (A.D. 1031) against Malcolm, King of Scotland. During the reign of Ethelred, a tax of a shilling a hide had been imposed on all the lands of England. It was commonly called *Danegelt*; because the revenue had been employed, either in buying peace with the Danes, or in making preparations against the inroads of that hostile nation. That monarch had required that the same tax should be paid by Cumberland, which was held by the Scots; but Malcolm, a warlike prince, told him that as he was always able to repulse the Danes by his own power, he would neither submit to buy peace of his enemies nor pay others for resisting them. Ethelred, offended at this reply, which contained a secret reproach on his own conduct, undertook an expedition against Cumberland; but though he committed ravages upon the country, he could never bring Malcolm to a temper more humble or submissive. Canute, after his accession, summoned the Scottish king to acknowledge himself a vassal for Cumberland to the crown of England; but Malcolm refused compliance, on pretence that he owed homage to those princes only who inherited that kingdom by right of blood. Canute was not of a temper to bear this insult, and the King of Scotland soon found that the sceptre was in very different hands from those of the feeble and irresolute Ethelred. Upon Canute's appearing on the frontiers with a formidable army, Malcolm agreed that his grandson and heir, Duncan, whom he put in possession of Cumberland, should make the submissions required, and that the heirs of Scotland should always acknowledge themselves vassals to England for that province (W. Malm., p. 74).

Canute passed four years in peace after this enterprise, and he died at Shaftesbury (Chron. Sax., p. 154; W. Malm., p. 76); leaving three sons, Sweyn, Harold, and Hardicanute. Sweyn, whom he had by his first marriage with Alfwen, daughter of the Earl of Hampshire, was crowned in Norway; Hardicanute, whom Emma had borne him, was in possession of Denmark; Harold, who was of the same marriage with Sweyn, was at that time in England.

**HAROLD HAREFOOT.**—Though Canute, in his treaty with Richard, Duke of Normandy, had stipulated that his children by Emma should succeed to the crown of England, he had either considered himself as released from that engagement by the death of Richard, or esteemed it dangerous to leave an unsettled and newly conquered kingdom in the hands of so young a prince as Hardicanute: he (A.D. 1035) therefore appointed by his will, Harold successor to the crown. This prince was, besides, present to maintain his claim, he was favoured by all the Danes, and he got immediately possession of his father's treasures, which might be equally useful, whether he found it necessary to proceed by force or intrigue, in insuring his succession. On the other hand, Hardicanute had the suffrages of the English, who on account of his being born among them of Queen Emma, regarded him as their countryman: he was favoured by the articles of treaty with the Duke of Normandy; and above all, his party was espoused by Earl Godwin, the most powerful nobleman in the kingdom, especially in the province of Wessex, the chief seat of the ancient English. Affairs were likely to terminate in a civil war; when, by the interposition of the nobility of both parties, a compromise was made; and it was agreed that Harold should enjoy, together with London, all the provinces north of the Thames, while the possession of the south should remain to Hardicanute; and till that prince should appear and take possession of his dominions, Emma fixed her residence at Winchester, and established her authority over her son's share of the partition.

Meanwhile, Robert, Duke of Normandy, died in a pilgrimage to the Holy Land, and being succeeded by a son, yet a minor, the two English princes, Alfred and Edward, who found no longer any countenance or protection in that country, gladly embraced the opportunity of paying a visit, with a numerous retinue, to their mother Emma, who seemed to be placed in a state of so much power and splendour at Winchester. But the face of affairs soon wore a melancholy aspect. Earl Godwin had been gained by the aits of Harold, who promised to espouse the daughter of that nobleman, and while the treaty was yet a secret, these two tyrants laid a plan for the destruction of the English princes. Alfred was invited to London by Harold with many professions of friendship; but when he had reached Guildford, he was set upon by Godwin's vassals, about six hundred of his train were murdered in the most cruel manner, he himself was taken prisoner, his eyes were put out, and he was conducted to the monastery of Ely, where he died soon after.<sup>1</sup> Edward and Emma, apprized of the fate

<sup>1</sup> H Hunt, p. 365, Ypod Neustr, p. 434, Hoveden, p. 438, Chron Mailr, p. 156, Higden, p. 277, Chron St Petri de Burgo, p. 39, Sim Dun, p. 179; Abbas Rieval, p. 366, 374; Brimpton, p. 935, Gul Gem, lib vii, cap. 11, Matth. West., p. 209, Flor Wigorn, p. 622; Alur Beverl, p. 118

which was awaiting them, fled beyond sea, the former into Normandy, the latter into Flanders. While Harold, triumphing in his bloody policy, took possession without resistance of all the dominions assigned to his brother.

This is the only memorable action performed during a reign of four years, by this prince, who gave so bad a specimen of his character, and whose bodily accomplishments alone are known to us by his appellation of *Harefoot*, which he acquired from his agility in running and walking. He died on the 14th of April, 1039, little regretted or esteemed by his subjects; and left the succession open to his brother, Hardicanute.

**HARDICANUTE.**—Hardicanute, or Canute the Hardy, that is, the robust (for he too is chiefly known by his bodily accomplishments), though by remaining so long in Denmark he had been deprived of his share in the partition of the kingdom, had not abandoned his pretensions; and he had determined, before Harold's death, to recover by arms what he had lost, either by his own negligence, or by the necessity of his affairs. On pretence of paying a visit to the queen dowager in Flanders, he had assembled a fleet of sixty sail, and was preparing to make a descent on England, when intelligence of his brother's death induced him to sail immediately to London, where he was received in triumph, and acknowledged king without opposition.

The first act of Hardicanute's government afforded his subjects a bad prognostic of his future conduct. He was so enraged at Harold for depriving him of his share of the kingdom, and for the cruel treatment of his brother Alfred, that in an impotent desire of revenge against the dead, he ordered his body to be dug up and to be thrown into the Thames: and when it was found by some fishermen and buried in London, he ordered it again to be dug up and to be thrown again into the river: but it was fished up a second time and then interred with great secrecy. Godwin, equally servile and insolent, submitted to be his instrument in that unnatural and brutal action.

That nobleman knew that he was universally believed to have been an accomplice in the barbarity exercised on Alfred, and that he was on that account obnoxious to Hardicanute, and perhaps he hoped by displaying this rage against Harold's memory, to justify himself from having had any participation in his counsels. But Prince Edward, being invited over by the king, immediately on his appearance preferred an accusation against Godwin for the murder of Alfred, and demanded justice for that crime. Godwin, in order to appease the king, made him a magnificent present of a galley with a gilt stern, rowed by fourscore men, who wore each of them a gold bracelet on his arm, weighing sixteen ounces, and were armed and clothed in the most sumptuous manner. Hardicanute, pleased with the splendour of this spectacle, quickly forgot his brother's murder; and on Godwin's swearing that he was innocent of the crime, he allowed him to be acquitted.

Though Hardicanute, before his accession, had been called over by the vows of the English, he soon lost the affections of the nation by his misconduct; but nothing appeared more grievous to them than his renewing the imposition of Danegelt, and obliging the nation to pay a great sum of money to the fleet which brought him from Denmark.

The discontent ran high in many places : in Worcester the populace rose and put to death two of the collectors. The king, enraged at this opposition, swore vengeance against the city, and ordered three noblemen, Godwin, Duke of Wessex, Siward, Duke of Northumberland, and Leofric, Duke of Mercia, to execute his menaces with the utmost rigour. They were obliged to set fire to the city and deliver it up to be plundered by their soldiers ; but they saved the lives of the inhabitants, whom they confined in a small island of the Severn, called Beverey, till by their intercession, they were able to appease the king and obtain the pardon of the supplicants.

This violent government was of short duration. Hardicanute died in two years after his accession, at the nuptials of a Danish lord which he had honoured with his presence. His usual habits of intemperance were so well known, that notwithstanding his robust constitution, his sudden death gave as little surprise as it did sorrow to his subjects.

EDWARD THE CONFESSOR—The English, on the death (A.D. 1041) of Hardicanute, saw a favourable opportunity for recovering their liberty, and for shaking off the Danish yoke under which they had so long laboured. Sweyn, King of Norway, the eldest son of Canute, was absent ; and as the last two kings had died without issue, none of that race presented himself, nor any whom the Danes could support as successor to the throne. Prince Edward was fortunately at court on his brother's demise, and though the descendants of Edmond Ironside were the true heirs of the Saxon family, yet their absence in so remote a country as Hungary, appeared a sufficient reason for their exclusion, to a people like the English, so little accustomed to observe a regular order in the succession of their monarchs. All delays might be dangerous, and the present occasion must hastily be embraced, while the Danes, without concert, without a leader, astonished at the present incident, and anxious only for their personal safety, durst not oppose the united voice of the nation.

But the concurrence of circumstances in favour of Edward, might have failed of its effect had his succession been opposed by Godwin, whose power, alliances, and abilities gave him a great influence at all times, especially amidst those sudden opportunities which always attend a revolution of government, and which, either seized or neglected, commonly prove decisive. There were opposite reasons which divided men's hopes and fears with regard to Godwin's conduct. On the one hand, the credit of that nobleman lay chiefly in Wessex, which was almost entirely inhabited by English. It was therefore presumed that he would second the wishes of that people in restoring the Saxon line, and in humbling the Danes, from whom he, as well as they had reason to dread, as they had already felt the most grievous oppressions. On the other hand, there subsisted a declared animosity between Edward and Godwin, on account of Alfred's murder, of which the latter had publicly been accused by the prince, and which he might believe so deep an offence, as could never on account of any subsequent merits, be sincerely pardoned. But their common friends here interposed, and representing the necessity of their good correspondence, obliged them to lay aside all jealousy and rancour, and concur in restoring liberty to their native country. Godwin only stipulated that

Edward, as a pledge of his sincere reconciliation, should promise to marry his daughter Editha; and having fortified himself by his alliance, he summoned a general council at Gillingham, and prepared every measure for securing the succession to Edward. The English were unanimous and zealous in their resolutions, the Danes were divided and dispirited. any small opposition which appeared in this assembly was blow-beaten and suppressed, and Edward was crowned king with every demonstration of duty and affection.

The triumph of the English upon this signal and decisive advantage, was at first attended with some insult and violence against the Danes; but the king, by the mildness of his character soon reconciled the latter to his administration, and the distinction between the two nations gradually disappeared. The Danes were interspersed with the English in most of the provinces; they spoke nearly the same language; they differed little in their manners and laws; domestic dissensions in Denmark prevented for some years any powerful invasions from thence which might awaken past animosities; and as the Norman conquest, which ensued soon after, reduced both nations to equal subjection, there is no further mention in history of any difference between them. The joy, however, of their present deliverance made such impression on the minds of the English, that they instituted an annual festival for celebrating that great event; and it was observed in some countries, even to the time of Spelman (*Spel. Gloss. in verbo Hocday*).

The popularity which Edward enjoyed on his accession, was not destroyed by the first act of his administration, his resuming all the grants of his immediate predecessors; an attempt which is commonly attended with the most dangerous consequences. The poverty of the crown convinced the nation that this act of violence was becoming absolutely necessary, and as the loss fell chiefly on the Danes, who had obtained large grants from their late kings, their countrymen, on account of their services in subduing the kingdom, the English were rather pleased to see them reduced to their primitive poverty. The king's severity also towards his mother, the queen-dowager, though exposed to some more censure, met not with very general disapprobation. He had hitherto lived on indifferent terms with that princess: he accused her of neglecting him and his brother during their adverse fortune (*Anglia Sacra*, vol. 1, p. 237). He remarked, that, as the superior qualities of Canute, and his better treatment of her, had made her entirely indifferent to the memory of Ethelred, she also gave the preference to her children of the second bed, and always regarded Hardicanute as her favourite. The same reasons had probably made her unpopular in England, and though her benefactions to the monks obtained her the favour of that order, the nation was not, in general, displeased to see her stripped by Edward of immense treasures which she had amassed. He confined her, during the remainder of her life, in a monastery at Winchester; but carried his rigour against her no further. The stories of his accusing her of a participation in her son Alfred's murder, and of a criminal correspondence with the Bishop of Winchester, and also of her justifying herself by treading barefoot, without receiving any hurt, over nine burning

ploughshares, were the inventions of the monkish historians, and were propagated and believed from the silly wonder of posterity (Higden, p. 277).

The English flattered themselves that by the accession of Edward they were delivered for ever from the dominion of foreigners; but they soon found that this evil was not yet entirely removed. The king had been educated in Normandy, and had contracted many intimacies with the natives of that country as well as an affection for their manners (Ingulf, p. 62). The court of England was soon filled with Normans, who being distinguished both by the favour of Edward and by a degree of cultivation superior to that which was attained by the English in those ages, soon rendered their language, customs, and laws fashionable in the kingdom. The study of the French tongue became general among the people. The courtiers affected to imitate that nation in their dress, equipage, and entertainments. Even the lawyers employed a foreign language in their deeds and papers (*Ibid*) But, above all, the Church felt the influence and dominion of those strangers: Ulf and William, two Normans, who had formerly been the king's chaplains, were created Bishops of Dorchester and London. Robert, a Norman also, was promoted to the see of Canterbury (Chron. Sax, p. 161), and always enjoyed the highest favour of his master, of which his abilities rendered him not unworthy. And though the king's prudence, or his want of authority, made him confer almost all the civil and military employments on the natives, the ecclesiastical preferments fell often to the share of the Normans; and as the latter possessed Edward's confidence, they had secretly a great influence on public affairs, and excited the jealousy of the English, particularly of Earl Godwin (W. Malm, p. 80).

This powerful nobleman, besides being Duke or Earl of Wessex, had the counties of Kent and Sussex annexed to his government. His eldest son, Sweyn, possessed the same authority in the counties of Oxford, Berks, Gloucester, and Hereford: and Harold, his second son, was Duke of East Anglia, and at the same time governor of Essex. The great authority of this family was supported by immense possessions and powerful alliances; and the abilities as well as ambition of Godwin himself, contributed to render it still more dangerous. A prince of greater capacity and vigour than Edward would have found it difficult to support the dignity of the crown under such circumstances, and as the haughty temper of Godwin made him often forget the respect due to his prince, Edward's animosity against him was grounded on personal as well as political considerations, on recent as well as more ancient injuries. The king, in pursuance of his engagements, had (A.D. 1048) indeed married Editha, the daughter of Godwin (Chron. Sax, p. 157); but this alliance became a fresh source of enmity between them. Edward's hatred of the father was transferred to that princess; and Editha, though possessed of many amiable accomplishments, could never acquire the confidence and affection of her husband. It is even pretended that during the whole course of her life he abstained from all commerce of love with her; and such was the absurd admiration paid to an inviolable chastity during those ages, that his conduct in this particular is highly cele-

brated by the monkish historians, and greatly contributed to his acquiring the title of saint and confessor.<sup>1</sup>

The most popular pretence on which Godwin could ground his disaffection to the king and his administration, was to complain of the influence of the Normans in the government; and a declared opposition had thence arisen between him and these favourites. It was not long before this animosity broke into action. Eustace, Count of Boulogne, having paid a visit to the king, passed by Dover in his return: one of his train, being refused entrance to a lodging which had been assigned him, attempted to make his way by force, and in the contest he wounded the master of the house. The inhabitants revenged the insult by the death of the stranger; the count and his train took arms and murdered the wounded townsman; a tumult ensued; near twenty persons were killed on each side, and Eustace being overpowered by numbers, was obliged to save his life by flight from the fury of the populace. He hurried immediately to court and complained of the usage he had met with. The king entered zealously into the quarrel, and was highly displeased that a stranger of such distinction, whom he had invited over to his court, should, without any just cause, as he believed, have felt so sensibly the insolence and animosity of his people. He gave orders to Godwin, in whose government Dover lay, to repair immediately to the place and to punish the inhabitants for the crime. But Godwin, who desired rather to encourage than repress the popular discontents against foreigners, refused obedience, and endeavoured to throw the whole blame of the riot on the Count of Boulogne, and his retinue.<sup>2</sup> Edward, touched in so sensible a point, saw the necessity of exerting the royal authority; and he threatened Godwin, if he persisted in his disobedience, to make him feel the utmost effects of his resentment.

The earl perceiving the rupture to be unavoidable, and pleased to embark in a cause where it was likely he should be supported by his countrymen, made preparations for his own defence, or rather for an attack on Edward. Under pretence of repressing some disorders on the Welsh frontier, he secretly assembled a great army, and was approaching the king, who resided without any military force, and without suspicion, at Gloucester (*Chron. Sax.*, p. 163; *W. Malm.*, p. 81). Edward applied for protection to Siward, Duke of Northumberland, and Leofric, Duke of Mercia, two powerful noblemen, whose jealousy of Godwin's greatness, as well as their duty to the crown, engaged them to defend the king in this extremity. They hastened to him with such of their followers as they could assemble on a sudden; and finding the danger much greater than they at first apprehended, they issued orders for mustering all the forces within their respective governments, and for marching them without delay to the defence of the king's person and authority. Edward, meanwhile, endeavoured to gain time by negotiation; while Godwin, who thought the king entirely in his power, and who was willing to save appearances, fell into the snare; and not sensible that he ought to have no farther

<sup>1</sup> *W. Malm.*, p. 80, Higden, p. 277; *Abbas Rieval*, p. 366, 377. *Matth. West.*, p. 221; *Chron. Thom. Wykes*, p. 21; *Anglia Sacra*, vol. 1., p. 241.

<sup>2</sup> *Chron. Sax.*, p. 163, *W. Malm.*, p. 81; Higden, p. 279.

reserve after he had proceeded so far, he lost the favourable opportunity of rendering himself master of the government.

The English, though they had no high idea of Edward's vigour and capacity, bore him great affection on account of his humanity, justice, and piety, as well as the long race of their native kings from whom he was descended, and they hastened from all quarters to defend him from the present danger. His army was now so considerable, that he ventured to take the field, and marching to London, he summoned a great council to judge of the rebellion of Godwin and his sons. These noblemen pretended at first that they were willing to stand their trial, but having in vain endeavoured to make their adherents persist in rebellion, they offered to come to London, provided they might receive hostages for their safety; this proposal being rejected, they were obliged to disband the remains of their forces, and have recourse to flight. Baldwin, Earl of Flanders, gave protection to Godwin and his three sons, Gurth, Sweyn, and Tosti, the latter of whom had married the daughter of that prince, Harold and Leofwin, two others of his sons, took shelter in Ireland. The estates of the father and sons were confiscated, their governments were given to others; Queen Editha was confined in a monastery at Warewel; and the greatness of this family, once so formidable, seemed now to be totally supplanted and overthrown.

But Godwin had fixed his authority on too firm a basis, and he was too strongly supported by alliances both foreign and domestic, not to occasion further disturbances, and make new efforts for his re-establishment. The Earl of Flanders permitted him to purchase and hire ships within his harbours, and Godwin, having (A.D. 1052) manned them with his followers, and with freebooters of all nations, put to sea and attempted to make a descent at Sandwich. The king, informed of his preparations, had equipped a considerable fleet, much superior to that of the enemy, and the earl, hastily, before their appearance, made his retreat into the Flemish harbours (Sim. Dun, p. 186). The English court, allured by the present security, and destitute of all vigorous counsels, allowed the seamen to disband, and the fleet to go to decay (Chron. Sax., p. 166); while Godwin, expecting this event, kept his men in readiness for action. He put to sea immediately, and sailed to the Isle of Wight, where he was joined by Harold with a squadron which that nobleman had collected in Ireland. He was now master of the sea, and entering every harbour in the southern coast, he seized all the ships (*Ibid.*), and summoned his followers in those counties which had so long been subject to his government, to assist him in procuring justice to himself, his family, and his country, against the tyranny of foreigners. Reinforced by great numbers from all quarters, he entered the Thames, and appealing before London, threw every thing into confusion. The king alone seemed resolute to defend himself to the last extremity, but the interposition of the English nobility, many of whom favoured Godwin's pretensions, made Edward hearken to terms of accommodation; and the feigned humility of the earl, who disclaimed all intention of offering violence to his sovereign, and desired only to justify himself by a fair and open trial, paved the way for his more easy admission. It was stipulated that he should



give hostages for his good behaviour, and that the primate and all the foreigners should be banished ; by this treaty, the present danger of a civil war was obviated, but the authority of the crown was considerably impaired, or rather entirely annihilated. Edward, sensible that he had not power sufficient to secure Godwin's hostages in England, sent them over to his kinsman, the young Duke of Normandy.

Godwin's death, which happened soon after, while he was sitting at table with the king, prevented him from further establishing the authority which he had acquired, and from reducing Edward to still greater subjection<sup>1</sup>. He was succeeded in the government of Wessex, Sussex, Kent, and Essex, and in the office of steward of the household, a place of great power, by his son Harold, who was actuated by an ambition equal to that of his father, and was superior to him in address, in insinuation, and in virtue. By a modest and gentle demeanour, he acquired the goodwill of Edward, at least, softened that hatred which the prince had so long borne his family (Bishop, p. 948) ; and gaining every day new partisans by his bounty and affability, he proceeded in a more silent, and therefore a more dangerous manner, to the increase of his authority. The king, who had not sufficient vigour directly to oppose his progress, knew of no other expedient than that hazardous one, of raising him a rival in the family of Leofric, Duke of Mercia, whose son Algar was invested with the government of East-Anglia, which before the banishment of Harold, had belonged to the latter nobleman. But this policy of balancing opposite parties required a more steady hand to manage it than that of Edward, and naturally produced faction, and even civil broils, among nobles of such mighty and independent authority. Algar was soon after expelled his government by the intrigues and power of Harold ; but being protected by Griffith, Prince of Wales, who had married his daughter, as well as by the power of his father Leofric, he obliged Harold to submit to an accommodation, and was reinstated in the government of East-Anglia. This peace was not of long duration ; Harold, taking advantage of Leofric's death, which happened soon after, expelled Algar anew and banished him the kingdom, and though that nobleman made a fresh irruption into East-Anglia with an army of Norwegians, and overran the country, his death soon freed Harold from the pretensions of so dangerous a rival. Edward, the eldest son of Algar, was indeed advanced to the government of Mercia ; but the balance which the king desired to establish between those potent families was wholly lost, and the influence of Harold greatly preponderated.

The death (A.D. 1055) of Siward, Duke of Northumberland, made the way still more open to the ambition of that nobleman. Siward, besides his other merits, had acquired honour to England by his successful conduct in the only foreign enterprise undertaken during the reign of Edward. Duncan, King of Scotland, was a prince of a gentle

<sup>1</sup> The ingenious author of the article 'Godwin,' in the *Biographia Britannica*, has endeavoured to clear the memory of that nobleman, upon the supposition that all the English annals had been falsified by the Norman historians after the conquest. But that this supposition has not much foundation, appears hence, that almost all these historians have given a very good character of his son Harold, whom it was much more the interest of the Norman cause to blacken.

disposition, but possessed not the genius requisite for governing a country so turbulent, and so much infested by the intrigues and animosities of the great Macbeth, a powerful nobleman, and nearly allied to the crown, not content with curbing the king's authority, carried still farther his pestilent ambition; he put his sovereign to death; chased Malcolm Kenmore, his son and heir, into England, and usurped the crown. Siward, whose daughter was married to Duncan, embraced by Edward's orders the protection of this distressed family; he marched an army into Scotland, and having defeated and killed Macbeth in battle, he restored Malcolm to the throne of his ancestors.<sup>1</sup> This service, added to his former connections with the royal family of Scotland, brought a great accession to the authority of Siward in the north; but as he had lost his eldest son, Osberne, in the action with Macbeth, it proved in the issue fatal to his family. His second son, Walthoef, appealed on his father's death too young to be entrusted with the government of Northumberland and Harold's influence obtained that dukedom for his own brother, Tosti.

There are two circumstances related of Siward, which discover his high sense of honour, and his martial disposition. When intelligence was brought him of his son Osberne's death he was inconsolable, till he heard that the wound was received in the breast, and that he had behaved with great gallantry in the action. When he found his own death approaching, he ordered his servants to clothe him in a complete suit of armour, and sitting erect on the couch, with a spear in his hand, declared that in that posture, the only one worthy of a warrior, he would patiently await the fatal moment.

The king, now worn out with cares and infirmities, felt himself far advanced in the decline of life, and having no issue himself, began to think of appointing a successor to the kingdom. He sent a deputation to Hungary, to invite over his nephew, Edward, son of his elder brother, and the only remaining heir of the Saxon line. That prince, whose succession to the crown would have been easy and undisputed, came to England with his children, Edgar, surnamed Atheling, Margaret, and Christina; but his death, which happened a few days after his arrival, threw the king into new difficulties. He saw that the great power and ambition of Harold had tempted him to think of obtaining possession of the throne on the first vacancy, and that Edgar, on account of his youth and inexperience, was very unfit to oppose the pretensions of so popular and enterprising a rival. The animosity which he had long borne to Earl Godwin, made him averse to the succession of his son, and he could not, without extreme reluctance, think of an increase of grandeur to a family which had risen on the ruins of royal authority, and which, by the murder of Alfred, his brother, had contributed so much to the weakening of the Saxon line. In this uncertainty, he secretly cast his eye towards his kinsman, William, Duke of Normandy, as the only person whose power and reputation and capacity could support any destination which he might make in his favour, to the exclusion of Harold and his family (Ingulf, p. 68).

This famous prince was natural son of Robert, Duke of Normandy,

<sup>1</sup> W. Malm., p. 79, Hoveden, p. 443, Chron. Malr., p. 158, Buchanan, p. 115, edit. 1715.

by Harlotta, daughter of a tanner in Falaise (Brompton, p. 910), and was very early established in that grandeur from which his birth seemed to have set him at so great a distance. While he was but nine years of age, his father had resolved to undertake a pilgrimage to Jerusalem; a fashionable act of devotion which had taken place of the pilgrimages to Rome, and which, as it was attended with more difficulty and danger, and carried those religious adventurers to the first sources of Christianity, appeared to them more meritorious. Before his departure, he assembled the states of the duchy, and informing them of his design, he engaged them to swear allegiance to his natural son, William, whom, as he had no legitimate issue, he intended, in case he should die in the pilgrimage, to leave successor to his dominions (W. Malm., p. 95). As he was a prudent prince, he could not but foresee the great inconveniences which must attend this journey, and this settlement of his succession; arising from the perpetual turbulence of the great, the claims of other branches of the ducal family, and the power of the French monarch; but all these considerations were surmounted by the prevailing zeal for pilgrimages (Ypod. Neust., p. 452), and, probably, the more important they were, the more would Robert exult in sacrificing them to what he imagined to be his religious duty.

This prince, as he had apprehended, died in his pilgrimage; and the minority of his son was attended with all those disorders which were almost unavoidable in that situation. The licentious nobles, freed from the awe of sovereign authority, broke out into personal animosities against each other, and made the whole country a scene of war and devastation (W. Malm., p. 95; Gul. Gemet., lib. vii., cap. 1). Roger, Count of Tonl, and Alain, Count of Brittany, advanced claims to the dominion of the state; and Henry I., King of France, thought the opportunity favourable for reducing the power of a vassal who had originally acquired his settlement in so violent and invidious a manner, and who had long appeared formidable to his sovereign (W. Malm., p. 97). The regency established by Robert encountered great difficulties in supporting the government under this complication of dangers; and the young prince, when he came to maturity, found himself reduced to a very low condition. But the great qualities which he soon displayed in the field and in the cabinet, gave encouragement to his friends and struck a terror into his enemies. He opposed himself on all sides against his rebellious subjects and against foreign invaders; and by his valour and conduct prevailed in every action. He obliged the French king to grant him peace on reasonable terms; he expelled all pretenders to the sovereignty; and he reduced his turbulent barons to pay submission to his authority, and to suspend their mutual animosities. The natural severity of his temper appeared in a rigorous administration of justice, and having found the happy effects of this plan of government, without which the laws in those ages became totally impotent, he regarded it as a fixed maxim that an inflexible conduct was the first duty of a sovereign.

The tranquility which he had established in his dominions had given William leisure to pay a visit to the King of England during the time of Godwin's banishment; and he was received in a manner suitable to the great reputation which he had acquired, to the relation by which

he was connected with Edward, and to the obligations which that prince owed to his family.<sup>1</sup> On the return of Godwin and the expulsion of the Norman favourites, Robert, Archbishop of Canterbury, had before his departure persuaded Edward to think of adopting William as his successor, a counsel which was favoured by the king's aversion to Godwin, his prepossessions for the Normans, and his esteem of the duke. That prelate, therefore, received a commission to inform William of the king's intentions in his favour; and he was the first person that opened the mind of the prince to entertain those ambitious hopes.<sup>2</sup> But Edward, irresolute and feeble in his purpose, finding that the English would more easily acquiesce in the restoration of the Saxon line, had in the meantime invited his brother's descendants from Hungary, with a view of having them recognised heirs to the crown. The death of his nephew, and the inexperience and unpromising qualities of young Edgar, made him resume his former intentions in favour of the Duke of Normandy; though his aversion to hazardous enterprises engaged him to postpone the execution, and even to keep his purpose secret from all his ministers.

Harold, meanwhile proceeded after a more open manner in increasing his popularity, in establishing his power, and in preparing the way for his advancement on the first vacancy; an event which, from the age and infirmities of the king, appeared not very distant. But there was still an obstacle which it was requisite for him previously to overcome. Earl Godwin, when restored to his power and fortune, had given hostages for his good behaviour; and among the rest one son and one grandson, whom Edward, for greater security, as has been related, had consigned to the custody of the Duke of Normandy. Harold, though not aware of the duke's being his competitor, was uneasy that such near relations should be detained prisoners in a foreign country; and he was afraid lest William should, in favour of Edgar, retain these pledges as a check on the ambition of any other pretender. He represented therefore to the king his unfeigned submission to royal authority, his steady duty to his prince, and the little necessity there was, after such a uniform trial of his obedience, to detain any longer those hostages who had been required on the first composings of civil discords. By these topics, enforced by his great power, he extorted the king's consent to release them; and in order to effect his purpose, he immediately proceeded with a numerous retinue on his journey to Normandy. A tempest drove him on the territory of Guy, Count of Ponthieu, who, being informed of his quality, immediately detained him prisoner, and demanded an exorbitant sum for his ransom. Harold found means to convey intelligence of his situation to the Duke of Normandy; and represented that, while he was proceeding to *his* court, in execution of a commission from the King of England, he had met with this harsh treatment from the mercenary disposition of the Count of Ponthieu.

William was immediately sensible of the importance of the incident. He foresaw that if he could once gain Harold, either by favours or menaces, his way to the throne of England would be open, and Edward

<sup>1</sup> Hoveden, p. 442, Ingulf, p. 65, Chron. Mailr., p. 157, Higden, p. 279.

<sup>2</sup> Ingulf, p. 68, Gul. Gemet., lib. vii, cap. 31, Order. Vitalis, p. 492.

would meet with no further obstacle in executing the favourable intentions which he had entertained in his behalf. He sent, therefore, a messenger to Guy, in order to demand the liberty of his prisoner; and that nobleman, not daring to refuse so great a prince, put Harold into the hands of the Norman, who conducted him to Rouen. William received him with every demonstration of respect and friendship; and after showing himself disposed to comply with his desire, in delivering up the hostages, he took an opportunity of disclosing to him the great secret of his pretensions to the crown of England, and of the will which Edward intended to make in his favour. He desired the assistance of Harold in perfecting that design; he made professions of the utmost gratitude in return for so great an obligation; he promised that the present grandeur of Harold's family, which supported itself with difficulty under the jealousy and hatred of Edward, should receive new increase from a successor who would be so greatly beholden to him for his advancement. Harold was surprised at this declaration of the duke, but being sensible that he should never recover his own liberty, much less that of his brother and nephew, if he refused the demand, he feigned a compliance with William, renounced all hopes of the crown for himself, and professed his sincere intention of supporting the will of Edward, and seconding the pretensions of the Duke of Normandy. William, to bind him faster to his interests, besides offering him one of his daughters in marriage, required him to take an oath that he would fulfil his promises, and in order to render the oath more obligatory, he employed an artifice well suited to the ignorance and superstition of the age. He secretly conveyed under the altar, on which Harold agreed to swear, the relics of some of the most revered martyrs, and when Harold had taken the oath, he showed him the relics, and admonished him to observe religiously an engagement which had been ratified with so tremendous a sanction.<sup>1</sup> The English nobleman was astonished, but dissembling his concern, he renewed the same professions, and was dismissed with all the marks of mutual confidence by the Duke of Normandy.

When Harold found himself at liberty, his ambition suggested casuistry sufficient to justify to him the violation of an oath which had been extorted from him by fear, and which, if fulfilled, might be attended with the subjection of his native country to a foreign power. He continued still to practise every art of popularity; to increase the number of his partisans, to reconcile the minds of the English to the idea of his succession, to revive the hatred of the Normans; and by an ostentation of his power and influence, to deter the timorous Edward from executing his intended destination in favour of William. Fortune, about this time, threw two incidents in his way, by which he was enabled to acquire general favour, and to increase the character which he had already attained, of virtue and abilities.

The Welsh, though a less formidable enemy than the Danes, had long been accustomed to infest the western borders; and after committing spoil on the low countries, they usually made a hasty retreat into their mountains, where they were sheltered from the pursuit of

<sup>1</sup> Wace, p. 459, 460, MS penes Carte, p. 354, W. Malm., p. 93, H. Hunt, p. 366; Hoveden, p. 449, Brompton, p. 947.

their enemies, and were ready to seize the first favourable opportunity of renewing their depredations. Griffith, the reigning prince, had greatly distinguished himself in those incursions; and his name had become so terrible to the English, that Harold found he could do nothing more acceptable to the public and more honourable for himself than the suppressing of so dangerous an enemy. He formed the plan of an expedition against Wales; and having prepared some light-armed foot to pursue the natives into their fastnesses, some cavalry to scour the open country, and a squadron of ships to attack the sea-coast, he employed at once all these forces against the Welsh, prosecuted his advantages with vigour, made no intermission in his assaults, and at last reduced the enemy to such distress, that in order to prevent their total destruction, they made a sacrifice of their prince, whose head they cut off and sent to Harold; and they were content to receive as their sovereigns two Welsh noblemen appointed by Edward to rule over them. The other incident was no less honourable to Harold.

Tosti, brother of this nobleman, who had been created Duke of Northumberland, being of a violent, tyrannical temper, had acted with such cruelty and injustice that the inhabitants rose in rebellion and chased him from his government. Morcar and Edwin, two brothers, who possessed great power in those parts, and who were grandsons of the great Duke Leofric, concurred in the insurrection; and the former, being elected duke, advanced with an army to oppose Harold, who was commissioned by the king to reduce and chastise the Northumbrians. Before the armies came to action, Morcar, well acquainted with the generous disposition of the English commander, endeavoured to justify his own conduct. He represented to Harold that Tosti had behaved in a manner unworthy of the station to which he was advanced, and no one, not even a brother, could support such tyranny, without participating, in some degree, of the infamy attending it. that the Northumbrians, accustomed to a legal administration, and regarding it as their birthright, were willing to submit to the king, but required a governor who would pay regard to their rights and privileges; that they had been taught by their ancestors that death was preferable to servitude, and had taken the field determined to perish rather than suffer a renewal of those indignities to which they had so long been exposed; and they trusted that Harold, on reflection, would not defend in another that violent conduct from which he himself, in his own government, had always kept at so great a distance. This vigorous remonstrance was accompanied by such a detail of facts, so well supported, that Harold found it prudent to abandon his brother's cause; and returning to Edward, he persuaded him to pardon the Northumbrians and to confirm Morcar in the government. He even married the sister of that nobleman (*Order. Vitalis*, p. 492), and by his interest procured Edwin, the younger brother, to be elected into the government of Mercia. Tosti, in a rage departed the kingdom, and took shelter in Flanders with Earl Baldwin, his father-in-law.

By this marriage Harold broke all measures with the Duke of Normandy; and William clearly perceived that he could no longer rely on the oaths and promises which he had extorted from him. But the English nobleman was now in such a situation that he deemed it

no longer necessary to dissemble. He had, in his conduct towards the Northumbrians, given such a specimen of his moderation as had gained him the affections of his countrymen. He saw that almost all England was engaged in his interests, while he himself possessed the government of Wessex, Morcar that of Northumberland, and Edwin that of Mercia. He now openly aspired to the succession, and insisted that since it was necessary, by the confession of all, to set aside the royal family, on account of the imbecility of Edgar, the sole surviving heir, there was no one so capable of filling the throne as a nobleman of great power, of mature age, of long experience, of approved courage and abilities, who, being a native of the kingdom, would effectually secure it against the dominion and tyranny of foreigners. Edward, broken with age and infirmities, saw the difficulties too great for him to encounter; and though his inveterate prepossessions kept him from seconding the pretensions of Harold, he took but feeble and irresolute steps for securing the succession of the Duke of Normandy.<sup>1</sup> While he continued in this uncertainty, he was surprised by sickness, which brought him to his grave, on the 5th of Jan. 1066, in the sixty-fifth year of his age, and twenty-fifth of his reign.

This prince, to whom the monks gave the title of saint and confessor, was the last of the Saxon line that ruled in England. Though his reign was peaceable and fortunate, he owed his prosperity less to his own abilities than to the conjunctures of the times. The Danes, employed in other enterprises, attempted not those incursions which had been so troublesome to all his predecessors, and fatal to some of them. The facility of his disposition made him acquiesce under the government of Godwin and his son Harold; and the abilities as well as the power of these noblemen enabled them, while they were entrusted with authority, to preserve domestic peace and tranquility. The most commendable circumstance of Edward's government, was

<sup>1</sup> The whole story of the transactions between Edward, Harold, and the Duke of Normandy, is told so differently by the ancient writers, that there are few important passages of the English history liable to so great uncertainty. I have followed the account which appeared to me the most consistent and probable. It does not seem likely that Edward ever executed a will in the duke's favour, much less that he got it ratified by the States of the kingdom, as is affirmed by some. The will would have been known to all, and would have been produced by the Conqueror, to whom it gave so plausible, and really so just a title; but the doubtful and ambiguous manner in which he seems always to have mentioned it, proves that he could only plead the known intentions of that monarch in his favour, which he was so desirous to call a will. There is indeed a charter of the Conqueror preserved by Dr. Hickes, vol. i, where he calls himself *vex hereditarius*, meaning heir by will, but a prince possessed of so much power, and attended with so much success, may employ what pretence he pleases. It is sufficient to refute his pretences to observe that there is a great difference and variation among historians, with regard to a point which, had it been real, must have been agreed upon by all of them.

Again, some historians, particularly Malmesbury and Matthew of Westminster, affirm that Harold had no intention of going over to Normandy, but that taking the air in a pleasure-boat on the coast, he was driven over by stress of weather to the territories of Guy, Count of Ponthieu. But besides that this story is not probable in itself, and is contradicted by most of the ancient historians, it is contradicted by a very curious and authentic monument lately discovered. It is a tapestry, preserved in the ducal palace of Roën, and supposed to have been wrought by orders of Matilda, wife to the emperor. At least it is of very great antiquity. Harold is there represented as taking his departure from King Edward in execution of some commission, and mounting his vessel with a great train. The design of redeeming his brother and nephew, who were hostages, is the most likely cause that can be assigned, and is accordingly mentioned by Eadmer, Hoveden, Brompton, and Simeon of Durham. For a further account of this piece of tapestry, see 'Histoire de l'Académie de Littérature,' tom. ix. page 535.

his attention to the administration of justice, and his compiling for that purpose a body of laws which he collected from the laws of Ethelbert, Ina, and Alfred. This compilation, though not lost (for the laws that pass under Edward's name were composed afterwards, Spelman, in verbo *Belliva*), was long the object of affection to the English nation.

Edward the Confessor was the first that touched for the king's evil; the opinion of his sanctity procured belief to this cure among the people; his successors regarded it as a part of their state and grandeur to uphold the same opinion. It has been continued down to our time; and the practice was first dropped by the present royal family, who observed that it could no longer give amazement even to the populace, and was attended with ridicule in the eyes of men of understanding.

HAROLD—Harold had so well prepared matters before the death of Edward, that (January, 1066) he immediately stepped into the vacant throne; and his accession was attended with as little opposition and disturbance as if he had succeeded by the most undoubted hereditary title. The citizens of London were his zealous partisans; the bishops and clergy had adopted his cause; and all the powerful nobility, connected with him by alliance or friendship, willingly seconded his pretensions. The title of Edgar Atheling was scarcely mentioned, much less the claim of the Duke of Normandy; and Harold, assembling his partisans, received the crown from their hands, without waiting for the free deliberation of the states, or regularly submitting the question to their deliberation.<sup>1</sup> If any were averse to this measure, they were obliged to conceal their sentiments; and the new prince, taking a general silence for consent, and founding his title on the supposed suffrages of the people, which appeared unanimous, was, on the day immediately succeeding Edward's death, crowned and anointed king by Aldred, Archbishop of York. The whole nation seemed joyfully to acquiesce in his elevation.

The first symptoms of danger which the king discovered came from abroad, and from his own brother Tosti, who had submitted to a voluntary banishment in Flanders. Eniaged at the successful ambition of Harold, to which he himself had fallen a victim, he filled the court of Baldwin with complaints of the injustice which he had suffered; he engaged the interest of that family against his brother; he endeavoured to form intrigues with some of the discontented nobles in England; he sent his emissaries to Norway, in order to rouse to arms the freebooters of that kingdom, and to excite their hopes of reaping advantage from the unsettled state of affairs on the usurpation of the new king: and that he might render the combination more formidable, he made a journey to Normandy, in expectation that the duke, who had married Matilda, another daughter of Baldwin, would, in revenge of his own wrongs, as well as those of Tosti, second, by his counsels and forces the projected invasion of England (Order. Vitalis, p. 492.)

<sup>1</sup> G. Pict, p. 296. Ypod. Neust, p. 436; Order. Vitalis, p. 492; M. West, p. 221; W. Malm, p. 93. Ingulf, p. 68, Brompton, p. 957, Knyghton, p. 2339, H. Hunt, p. 210. Many of the historians say that Harold was regularly elected by the States, some, that Edward left him his successor by will.



The Duke of Normandy, when he first received intelligence of Harold's intrigues and accession, had been moved to the highest pitch of indignation; but that he might give the better colour to his pretensions, he sent an embassy to England, upbraiding the prince with his breach of faith, and summoning him to resign immediately possession of the kingdom. Harold replied to the Norman ambassadors, that the oath with which he was reproached had been extorted by the well-grounded fear of violence and could never, for that reason, be regarded as obligatory; that he had had no commission, either from the late king or the States of England, who alone could dispose of the crown, to make any tender of the succession to the Duke of Normandy; and if he, a private person, had assumed so much authority, and had even voluntarily sworn to support the duke's pretensions, the oath was unlawful, and it was his duty to seize the first opportunity of breaking it; that he had obtained the crown by the unanimous suffrages of the people, and should prove himself totally unworthy of their favour, did he not strenuously maintain those national liberties with whose protection they had entrusted him; and that the duke, if he made any attempt by force of arms, should experience the power of a united nation, conducted by a prince, who, sensible to the obligations imposed on him by his royal dignity, was determined that the same moment should put a period to his life and to his government.<sup>1</sup>

This answer was no other than William expected; and he had previously fixed his resolution of making an attempt upon England. Consulting only his courage, his resentment, and his ambition, he overlooked all the difficulties inseparable from an attack on the great kingdom by such inferior force, and he saw only the circumstances which would facilitate his enterprise. He considered that England, ever since the accession of Canute, had enjoyed profound tranquility during a period of near fifty years, and it would require time for its soldiers, enervated by long peace, to learn discipline and its generals experience. He knew that it was entirely unprovided with fortified towns, by which it could prolong the war, but must venture its whole fortune in one decisive action against a veteran enemy, who, being once master of the field, would be in a condition to overrun the kingdom. He saw that Harold, though he had given proofs of vigour and bravery, had newly mounted a throne which he had acquired by faction, from which he had excluded a very ancient royal family, and which was likely to totter under him by its own instability, much more if shaken by any violent external impulse. And he hoped that the very circumstance of his crossing the sea, quitting his own country, and leaving himself no hope of retreat, as it would astonish the enemy by the boldness of the enterprise, would inspire his soldiers by despair, and rouse them to sustain the reputation of the Norman arms.

The Normans, as they had long been distinguished by valour among all the European nations, had at this time attained to the highest pitch of military glory. Besides acquiring by arms such a noble territory in France; besides defending it against continual attempts of the French monarch and all its neighbours, besides exerting many acts of vigour

<sup>1</sup> W. Malm., p. 99, Higden, p. 285; Matth. West, p. 222, De Gest. Angl. incerto auctore, p. 331.

under their present sovereign; they had about this very time revived their ancient fame by the most hazardous exploits and the most wonderful successes in the other extremity of Europe. A few Norman adventurers in Italy had acquired such an ascendant, not only over the Italians and Greeks, but the Germans and Saracens, that they expelled those foreigners, procured to themselves ample establishments, and laid the foundation of the opulent kingdom of Naples and Sicily (Gul. Gemet., lib. vii., cap. 30). These enterprises of men who were all of them vassals in Normandy, many of them banished for faction and rebellion, excited the ambition of the haughty William, who disdained, after such examples of fortune and valour, to be deterred from making an attack on a neighbouring country where he could be supported by the whole force of his principality.

The situation also of Europe inspired William with hopes, that, besides his brave Normans, he might employ against England the flower of the military force which was dispersed in all the neighbouring states. France, Germany, and the Low Countries, by the progress of the feudal institutions, were divided and subdivided into many principalities and baronies; and the possessors enjoying the civil jurisdiction within themselves as well as the right of arms, acted in many respects as independent sovereigns, and maintained their properties and privileges, less by the authorities of laws than by their own force and valour. A military spirit had universally diffused itself throughout Europe; and the several leaders whose minds were elevated by their princely situation, greedily embraced the most hazardous enterprises, and being accustomed to nothing from their infancy but recitals of the success attending wars and battles, they were prompted by a natural ambition to imitate those adventures which they heard so much celebrated and which were so much exaggerated by the credulity of the age. United, however loosely, by their duty to one superior lord, and by their connections with the great body of the community to which they belonged, they desired to spread their fame each beyond his own district; and in all assemblies, whether instituted for civil deliberations, for military expeditions, or merely for show and entertainment, to outshine each other by the reputation of strength and prowess. Hence their genius for chivalry, hence their impatience of peace and tranquility, and hence their readiness to embark in any enterprise, how little soever interested in its failure or success.

William, by his power, his courage, and his abilities, had long maintained a pre-eminence among those haughty chieftains, and every one who desired to signalise himself by his address in military exercises or his valour in action, had been ambitious of acquiring a reputation in the court and in the armies of Normandy. Entertained with that hospitality and courtesy which distinguished the age, they had formed attachments with the prince, and greedily attended to the prospects of the signal glory and elevation which he had promised them in return for their concurrence in an expedition against England. The more grandeur there appeared in the attempt, the more it suited their romantic spirit. The fame of their intended invasion was already diffused everywhere. Multitudes crowded to tender to the duke their service, with that of their vassals and retainers (Gul. Pictavensis, p. 198);

and William found less difficulty in completing his levies than in choosing the most veteran forces, and in rejecting the offers of those who were impatient to acquire fame under so renowned a leader.

Besides these advantages, which William owed to his personal valour and good conduct, he was indebted to fortune for procuring him some assistance, and also for removing many obstacles which it was natural for him to expect in an undertaking in which all his neighbours were so deeply interested. Conan, Count of Brittany, was his mortal enemy. In order to throw a damp upon the duke's enterprise, he chose this conjuncture for reviving his claim to Normandy itself; and he required that in case of William's success against England, the possession of that duchy should devolve to him (*Gul. Gemet*, lib. vii, cap. 33). But Conan died suddenly after making this demand, and Hoel, his successor, instead of adopting the malignity, or more properly speaking, the prudence of his predecessor, zealously seconded the duke's views, and sent his eldest son, Alain Fergant, to serve under him with a body of five thousand Bretons. The counts of Anjou and of Flanders encouraged their subjects to engage in the expedition; and even the count of Fiance, though it might justly fear the aggrandizement of so dangerous a vassal, pursued not its interests on this occasion with sufficient vigour and resolution. Philip I, the reigning monarch, was a minor, and William having communicated his project to the council, having desired assistance, and offered to do homage in case of his success, for the crown of England, was indeed openly ordered to lay aside all thoughts of the enterprise, but the Earl of Flanders, his father-in-law, being at the head of the regency, favoured underhand his levies, and secretly encouraged the adventurous nobility to enlist under the standard of the Duke of Normandy.

The emperor, Henry IV., besides openly giving all his vassals permission to embark in this expedition, which so much engaged the attention of Europe, promised his protection to the duchy of Normandy during the absence of the prince, and thereby enabled him to employ his whole force in the invasion of England (*Gul. Pict.*, p. 198). But the most important ally whom William gained by his negotiations was the Pope, who had a mighty influence over the ancient barons, no less devout in their religious principles than valorous in their military enterprises. The Roman pontiff, after an insensible progress during several ages of darkness and ignorance, began now to lift his head openly above all the princes of Europe, to assume the office of a mediator, or even an arbiter, in the quarrels of the greatest monarchs; to interpose in all secular affairs, and to obtrude his dictates as sovereign laws on his obsequious disciples. It was a sufficient motive to Alexander II, the reigning Pope, for embracing William's quarrel, that he alone had made an appeal to his tribunal, and rendered him umpire of the dispute between him and Harold; but there were other advantages which that pontiff foresaw must result from the conquest of England by the Norman arms. That kingdom, though at first converted by Romish missionaries, though it had afterwards advanced some further steps towards subjection to Rome, maintained still a considerable independence in its ecclesiastical administration; and forming a world within itself, entirely separated from the rest of Europe, it

had hitherto proved inaccessible to those exorbitant claims which supported the grandeur of the papacy. Alexander therefore hoped that the French and Norman barons, if successful in their enterprise, might import into that country a more devoted reverence to the holy see, and bring the English Churches to a nearer conformity with those of the continent. He declared immediately in favour of William's claim; pronounced Harold a perjured usurper, denounced excommunication against him and his adherents, and the more to encourage the Duke of Normandy in his enterprise, he sent him a consecrated banner and a ring with one of St Peter's hairs in it (Baker, p 22, edit. 1684) Thus were all the ambition and violence of that invasion covered over safely with the broad mantle of religion.

The greatest difficulty which William had to encounter in his preparations arose from his own subjects in Normandy. The states of the duchy were assembled at Lislebonne; and supplies being demanded for the intended enterprise, which promised so much glory and advantage to their country, there appeared a reluctance in many members both to grant sums so much beyond the common measure of taxes in that age, and to set a precedent of performing their military service at a distance from their own country. The duke, finding it dangerous to solicit them in a body, conferred separately with the richest individuals in the province, and beginning with those on whose affections he most relied, he gradually engaged all of them to advance the sums demanded. The Count of Longueville seconded him in this negotiation, as did the Count of Mortaigne, Odo, Bishop of Baieux, and especially William Fitz-Osborne, Count of Breteuil, and constable of the duchy. Every person, when he himself was once engaged, endeavoured to bring over others; and at last the States themselves, after stipulating that this concession should be no precedent, voted that they would assist their prince to the utmost in his intended enterprise (Camden, introd. ad Britann, p 212, 2nd edit, Gibs Verstegan, p. 173)

William had now assembled a fleet of 3000 vessels, great and small (Gul. Gemet, lib vii, cap. 34), and had selected an army of 60,000 men from among those numerous supplies which from every quarter solicited to be received into his service. The camp bore a splendid yet a martial appearance, from the discipline of the men, the beauty and vigour of the horses, the lustre of the arms, and the accoutrements of both; but above all, from the high names of nobility who engaged under the banners of the Duke of Normandy. The most celebrated were Eustace, Count of Boulogne, Aimeri de Thouars, Hugh d'Estaples, William d'Evreux, Geoffrey de Rotrou, Roger de Beaumont, William de Warenne, Roger de Montgomery, Hugh de Grantmesnil, Charles Martel, and Geoffrey Giffard (Order. Vitalis, p. 501). To these chieftains William held up the spoils of England as the prize of their valour; and pointing to the opposite shore, called to them that *there* was the field on which they must erect trophies to their name and fix their establishments.

While he was making these mighty preparations, the duke, that he might increase the number of Harold's enemies, excited the inveterate rancour of Tosti, and encouraged him, in concert with Harold Halfager, King of Norway, to infest the coasts of England. Tosti, having collected about sixty vessels in the ports of Flanders, put to sea;

and after committing some depredations on the south and east coasts, he sailed to Northumberland, and was there joined by Halfager, who came over with a great armament of three hundred sail. The combined fleets entered the Humber, and disembarked the troops, who began to extend their depredations on all sides, when Morcar, Earl of Northumberland, and Edwin, Earl of Mercia, the king's brothers-in-law, having hastily collected some forces, ventured to give them battle. The action ended in the defeat and flight of these two noblemen.

Harold, informed of this defeat, hastened with an army to the protection of the people, and expressed the utmost ardour to show himself worthy of the crown which had been conferred upon him. This prince, though he was not sensible of the full extent of his danger, from the great combination against him, had employed every art of popularity to acquire the affections of the public; and he gave so many proofs of an equitable and prudent administration that the English found no reason to repent the choice which they had made of a sovereign. They flocked from all quarters to join his standard, and as soon as he reached the enemy at Stanfoid he found himself in a condition to give them battle. The action was bloody, but the victory was decisive on the side of Harold, and (Sept. 25) ended in the total rout of the Norwegians, together with the death of Tostig and Halfager. Even the Norwegian fleet fell into the hands of Harold, who had the generosity to give Prince Olave, the son of Halfager, his liberty, and allow him to depart with twenty vessels. But he had scarcely time to rejoice for this victory when he received intelligence that the Duke of Normandy was landed with a great army in the south of England.

The Norman fleet and army had been assembled, early in the summer, at the mouth of the small river Dive, and all the troops had been instantly embarked; but the winds proved long contrary and detained them in that harbour. The authority, however, of the duke, the good discipline maintained among the seamen and soldiers, and the great care in supplying them with provisions, had prevented any disorder, when at last the wind became favourable, and enabled them to sail along the coast till they reached St Valori. There were, however, several vessels lost in this short passage, and as the wind again proved contrary, the army began to imagine that Heaven had declared against them, and that notwithstanding the Pope's benediction, they were destined to certain destruction. These bold warriors, who despised real dangers, were very subject to the dread of imaginary ones; and many of them began to mutiny, some of them even to desert their colours; when the duke, in order to support their drooping hopes, ordered a procession to be made with the relics of St Valori,<sup>1</sup> and prayers to be said for more favourable weather. The wind instantly changed, and as this incident happened on the eve of the feast of St. Michael, the tutelar saint of Normandy, the soldiers fancying they saw the hand of Heaven in all these concurring circumstances, set out with the greatest alacrity; they met with no opposition on their passage; a great fleet which Harold had assembled, and which had cruised all summer off the Isle of Wight, had been dismissed on his receiving false intelligence that William, discouraged by contrary winds and other acci-

<sup>1</sup> Higden, p. 285, Order. Vitalis, p. 500, Matt. Paris, edit. Paris, A.D. 1644, p. 2.

dents, had laid aside his preparations. The Norman armament proceeding in great order, arrived without any material loss, at Pevensey, in Sussex, and the army quietly disembarked. The duke himself, as he leaped on shore, happened to stumble and fall; but had the presence of mind, it is said, to turn the omen to his advantage, by calling aloud, that he had taken possession of the country. And a soldier, running to a neighbouring cottage, plucked some thatch, which, as if giving him seizin of the kingdom, he presented to his general. The joy and alacrity of William and his whole army was so great that they were nowise discouraged, even when they heard of Harold's great victory over the Norwegians. they seemed rather to wait with impatience the arrival of the enemy.

The victory of Harold, though great and honourable, had proved in the main prejudicial to his interests, and may be regarded as the immediate cause of his ruin. He lost many of his bravest officers and soldiers in the action, and he disgusted the rest by refusing to distribute the Norwegian spoils among them a conduct which was little agreeable to his usual generosity of temper, but which his desire of sparing the people in the war that impended over him from the Duke of Normandy, had probably occasioned. He hastened by quick marches to reach this new invader; but though he was reinforced at London and other places with fresh troops, he found himself also weakened by the desertion of his old soldiers, who from fatigue and discontent secretly withdrew from their colours. His brother Gurth, a man of bravery and conduct, began to entertain apprehensions of the event, and remonstrated with the king, that it would be better policy to prolong the war at least to spare his own person in the action. He urged to him that the desperate situation of the Duke of Normandy made it requisite for that prince to bring matters to a speedy decision, and put his whole fortune on the issue of a battle; but that the King of England, in his own country, beloved by his subjects, provided with every supply, had more certain and less dangerous means of insuring to himself the victory, than the Norman troops, elated on the one hand with the highest hopes, and seeing, on the other, no resource in case of a discomfiture, would fight to the last extremity; and being the flower of all the warriors of the continent, must be regarded as formidable to the English, that if their first fire, which is always the most dangerous, were allowed to languish for want of action; if they were harassed with small skirmishes, straitened in provisions, and fatigued with the bad weather and deep roads during the winter season which was approaching, they must fall an easy and a bloodless prey to their enemy; that if a general action were delayed, the English, sensible of the imminent danger to which their properties as well as their liberties were exposed from those rapacious invaders, would hasten from all quarters to his assistance, and would render his army invincible; that at least, if he thought it necessary to hazard a battle, he ought not to expose his own person; but reserve, in case of disastrous accidents, some resource to the liberty and independence of the kingdom and that once having been so unfortunate, as to be constrained to swear, and that upon the holy relics, to support the pretensions of the Duke of Normandy, it were better

that the command of the army should be entrusted to another, who not being bound by those sacred ties, might give the soldiers more assured hopes of a prosperous issue to the combat.

Harold was deaf to all these remonstrances. Elated with his past prosperity, as well as stimulated by his native courage, he resolved to give battle in person; and for that purpose he drew near to the Normans who had removed their camp and fleet to Hastings, where they fixed their quarters. He was so confident of success, that he sent a message to the duke, promising him a sum of money if he would depart the kingdom without effusion of blood, but his offer was rejected with disdain, and William, not to be behind his enemy in vaunting, sent him a message by some monks, requiring him either to resign the kingdom, or to hold it of him in fealty, or to submit their cause to the arbitration of the Pope, or to fight him in single combat. Harold replied, that the God of battles would soon be the arbiter of all their differences (Higden, p. 286).

The English and Normans now prepared themselves for this important decision; but the aspect of things, on October 14th, the night before the battle, was very different in the two camps. The English spent the time in riot and jollity and disorder, the Normans in silence and in prayer, and in the other functions of their religion (W. Malm., p. 101; De Gest. Angl., p. 332). On the morning, the duke called together the most considerable of his commanders and made them a speech suitable to the occasion. He represented to them that the event which they and he had long wished for was approaching; the whole fortune of the war now depended on their swords and would be decided in a single action, that never army had greater motives for exerting a vigorous courage, whether they considered the prize which would attend their victory, or the inevitable destruction which must ensue upon their discomfiture; that if their martial and veteran bands could once break those raw soldiers, who had rashly dared to approach them, they conquered a kingdom at one blow, and were justly entitled to all its possessions as the reward of their prosperous valour; that on the contrary, if they remitted in the least their wonted prowess, an enraged enemy hung upon their rear, the sea met them in their retreat, and an ignominious death was the certain punishment of their imprudent cowardice; that by collecting so numerous and brave a host, he had insured every human means of conquest, and the commander of the enemy, by his criminal conduct, had given him just cause to hope for the favour of the Almighty, in whose hands alone lay the event of wars and battles; and that a perjured usurper, anathematized by the sovereign pontiff, and conscious of his own breach of faith, would be struck with terror on their appearance, and would prognosticate to himself that fate which his multiplied crimes had so justly merited.<sup>1</sup> The duke next divided his army into three lines: the first, led by Montgomery, consisted of archers and light armed infantry; the second, commanded by Matel, was composed of his bravest battalions, heavy armed, and ranged in close order; his cavalry, at whose head he placed himself, formed the third line, and were so disposed that they stretched beyond the infantry, and flanked

<sup>1</sup> H. Hunt, p. 368, Brompton, p. 959; Gul. Pict., p. 202.

each wing of the army (Gul. Pict, 201; Order. Vital, p. 501). He ordered the signal of battle to be given; and the whole army moving at once, and singing the hymn or song of Roland, the famous peer of Charlemagne,<sup>1</sup> advanced in order, and with alacrity, towards the enemy.

Harold had seized the advantage of a rising ground, and having likewise drawn some trenches to secure his flanks, he resolved to stand upon the defensive, and to avoid all action with the cavalry, in which he was inferior. The Kentish men were placed in the van; a post which they had always claimed as their due; the Londoners guarded the standard; and the king himself, accompanied by his two valiant brothers, Gurth and Leofwin, dismounting, placed himself at the head of his infantry, and expressed his resolution to conquer or to perish in the action. The first attack of the Normans was desperate, but was received with equal valour by the English, and after a furious combat, which remained long undecided, the former, overcome by the difficulty of the ground, and hard pressed by the enemy, began first to relax their vigour, then to retreat; and confusion was spreading among the ranks, when William, who found himself on the brink of destruction, hastened with a select band to the relief of his dismayed forces. His presence restored the action; the English were obliged to retire with loss; and the duke ordering his second line to advance, renewed the attack with fresh forces and with redoubled courage. Finding that the enemy, aided by the advantage of ground, and animated by the example of their prince, still made a vigorous resistance, he tried a stratagem, which was very delicate in its management, but which seemed advisable in his desperate situation, where, if he gained not a decisive victory, he was totally undone. He commanded his troops to make a hasty retreat, and to allure the enemy from their ground by the appearance of flight. The artifice succeeded against those inexperienced soldiers, who heated by the action, and sanguine in their hopes, precipitately followed the Normans into the plain. William gave orders, that at once the infantry should face about upon their pursuers, and the cavalry made an assault upon their wings, and both of them pursue the advantage, which the surprise and terror of the enemy must give them in that critical and decisive moment. The English were repulsed with great slaughter, and driven back to the hill, where, being rallied by the bravery of Harold, they were able, notwithstanding their loss, to maintain the post and continue the combat. The duke used the same stratagem a second time with the same success; but even after this double advantage, he still found a great body of the English, who, maintaining themselves in firm array, seemed determined to dispute the victory to the last extremity. He ordered his heavy-armed infantry to make an assault upon them; while his archers placed behind, should gall the enemy, who were exposed by the situation of the ground, and who were intent in defending themselves against the swords and spears of the assailants. By this disposition he at last prevailed, Harold was slain by an arrow, while he was combating with great bravery at the head of his men, his two brothers shared the same fate; and the English discouraged by the fall of those

<sup>1</sup> W. Malm, p. 201, Higden, p. 286, Matth. West., p. 223, Du Gange's Gloss, *in verbo* Cantilenæ Rolandi.



princes, gave ground on all sides, and were pursued with great slaughter by the victorious Normans. A few troops however of the vanquished had still the courage to turn upon their pursuers; and attacking them in a deep and miry ground, obtained some revenge for the slaughter and dishonour of the day. But the appearance of the duke obliged them to seek their safety by flight; and darkness saved them from any further pursuit of the enemy.

Thus was gained by William, Duke of Normandy, the great and decisive victory of Hastings, after a battle which was fought from morning till sunset, and which seemed worthy, by the heroic valour displayed by both armies and by both commanders, to decide the fate of a mighty kingdom. William had three horses killed under him; and there fell near fifteen thousand men on the side of the Normans; the loss was still more considerable on that of the vanquished, besides the death of the king and his two brothers. The dead body of Harold was brought to William, and was generously restored without ransom to his mother. The Norman army left not the field of battle without giving thanks to Heaven, in the most solemn manner, for their victory; and the prince having refreshed his troops, prepared to push to the utmost his advantage against the divided, dismayed, and discomfited English.

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## APPENDIX I.

### THE ANGLO-SAXON GOVERNMENT AND MANNERS.

*First Saxon government.—Succession of the kings.—The Wittenagemot.—The aristocracy.—The several orders of men.—Courts of justice.—Criminal law.—Rules of proof.—Military force.—Public revenue.—Value of money.—Manners.*

THE government of the Germans, and that of all the northern nations who established themselves on the ruins of Rome, was always extremely free, and those fierce people, accustomed to independence and inured to arms, were more guided by persuasion than authority in the submission which they paid to their princes. The military despotism which had taken place in the Roman empire, and which, previously to the irruption of those conquerors, had sunk the genius of men, and destroyed every noble principle of science and virtue, was unable to resist the vigorous efforts of a free people; and Europe, as from a new epoch, rekindled her ancient spirit, and shook off the base servitude to arbitrary will and authority under which she had so long laboured. The free constitutions then established, however impaired by the encroachments of succeeding princes, still preserve an air of independence and legal admiration, which distinguish the European nations; and if that part of the globe maintain sentiments of liberty, honour, equity, and valour, superior to the rest of mankind, it owes these advantages chiefly to the seeds implanted by those generous barbarians.

The Saxons, who subdued Britain, as they enjoyed great liberty in their own country, obstinately retained that invaluable possession in

their new settlement; and they imported into this island the same principles of independence which they inherited from their ancestors. The chieftains (for such they were, more properly than kings or princes) who commanded them in those military expeditions, still possessed a very limited authority; and as the Saxons exterminated, rather than subdued the ancient inhabitants, they were indeed transplanted into a new territory, but preserved unaltered all their civil and military institutions. The language was pure Saxon; even the names of places, which often remain while the tongue entirely changes, were almost all affixed by the conquerors; the manners and customs were wholly German; and the same picture of a fierce and bold liberty, which is drawn by the masterly pencil of Tacitus, will suit those founders of the English government. The king, so far from being invested with arbitrary power, was only considered as the first among the citizens; his authority depended more on his personal qualities than on his station, he was even so far on a level with the people, that a stated price was fixed for his head, and a legal fine was levied upon his murderer, which, though proportionate to his station, and superior to that paid for the life of a subject, was a sensible mark of his subordination to the community.

It is easy to imagine that an independent people, so little restrained by law and cultivated by science, would not be very strict in maintaining a regular succession of their princes. Though they paid great regard to the royal family, and ascribed to it an undisputed superiority, they either had no rule, or none that was steadily observed, in filling the vacant throne, and present convenience, in that emergency, was more attended to than general principles. We are not however to suppose that the crown was considered as altogether elective, and that a regular plan was traced by the constitution for supplying, by the suffrages of the people, every vacancy made by the demise of the first magistrate. If any king left a son of an age and capacity fit for government, the young prince naturally stepped into the throne; if he was a minor, his uncle, or the next prince of the blood, was promoted to the government, and left the sceptre to his posterity; any sovereign, by taking previous measures with the leading men, had it greatly in his power to appoint his successor, all these changes, and indeed the ordinary administration of government required the express concurrence, or at least the tacit acquiescence, of the people; but possession, however obtained, was extremely apt to secure their obedience, and the idea of any right, which was once excluded, was but feeble and imperfect. This is so much the case in all barbarous monarchies, and occurs so often in the history of the Anglo-Saxons, that we cannot consistently entertain any other notion of their government. The idea of an hereditary succession in authority is so natural to men, and is so much fortified by the usual rule in transmitting private possessions, that it must retain a great influence on every society which does not exclude it by the refinement of a republican constitution. But as there is a material difference between government and private possessions, and every man is not as much qualified for exercising the one as for enjoying the other, a people, who are not sensible of the general advantages attending a fixed rule, are apt to make great leaps in the succession, and

frequently to pass over the person, who, had he possessed the requisite years and abilities, would have been thought entitled to the sovereignty. Thus, these monarchies are not, strictly speaking, either elective or hereditary; and though the destination of a prince may often be followed in appointing his successor, they can as little be regarded as wholly testamentary. The States by their suffrage may sometimes establish a sovereign, but they more frequently recognise the person whom they find established; a few great men take the lead; the people, overawed and influenced, acquiesce in the government; and the reigning prince, provided he be of the royal family, passes undisputedly for the legal sovereign.

It is confessed that our knowledge of the Anglo-Saxon history and antiquities is too imperfect to afford us means of determining with certainty all the prerogatives of the crown and privileges of the people, or of giving an exact delineation of that government. It is probable also, that the constitution might be somewhat different in the different kingdoms of the heptarchy, and that it changed considerably during the course of six centuries which elapsed from the first invasion of the Saxons till the Norman conquest.<sup>1</sup> But most of these differences and changes with their causes and effects are unknown to us; it only appears, that at all times, and in all the kingdoms, there was a national council, called a Wittenagemot or assembly of the wise men (for that is the import of the term), whose consent was requisite for enacting laws and for ratifying the chief acts of public administration. The preambles to all the laws of Ethelbert, Ina, Alfred, Edward the Elder, Athelstan, Edmond, Edgar, Ethelred, and Edward the Confessor; even those to the laws of Canute, though a kind of conqueror, put this matter beyond controversy, and carry proofs everywhere of a limited and legal government. But who were the constituent members of this Wittenagemot has not been determined with certainty by antiquaries. It is agreed that the bishops and abbots<sup>2</sup> were an essential part; and it is also evident, from the tenor of those ancient laws, that the Wittenagemot enacted statutes which regulated the ecclesiastical as well as civil government, and that those dangerous principles by which the Church is totally severed from the State, were hitherto unknown to the Anglo-Saxons (Wilkins passim). It also appears that the aldermen, or governors of counties, who after the Danish times were often called earls,<sup>3</sup> were admitted into this council, and gave their

<sup>1</sup> We know of one change, not inconsiderable, in the Saxon constitution. The Saxon Annals, p. 49, inform us, that it was in early times the prerogative of the king to name the dukes, earls, aldermen, and sheriffs of the counties. Asser, a contemporary writer, informs us that Alfred deposed all the ignorant aldermen, and appointed men of more capacity in their place; yet the laws of Edward the Confessor, § 35, say expressly, that the heretogs or dukes, and the sheriffs, were chosen by the freeholders in the folk-mote, a county court, which assembled once a year, and where all the freeholders swore allegiance to the king.

<sup>2</sup> Sometimes abbesses were admitted, at least, they often sign the king's charters or grants. Spelm. Gloss. in verbo *parliamentum*.

<sup>3</sup> It appears from the ancient translations of the Saxon annals and laws, and from King Alfred's translation of Bede, as well as from all the ancient historians, that *comes* in Latin, *alderman* in Saxon, and *earl* in Dano-Saxon, were quite synonymous. There is only a clause in a law of King Athelstan's (Spelm. Conc. p. 406), which has stumbled some antiquaries, and has made them imagine that an earl was superior to an alderman. The *weregild*, or the price of an earl's blood, is there fixed at 15,000 thrymsas, equal to that of an archbishop's; whereas that of a bishop and alderman is only 8000 thrymsas. To solve this difficulty we must have recourse to Selden's conjecture (Titles of Honour, chap. v, p. 603, 604), that the

consent to the public statutes. But besides the prelates and aldermen, there is also mention of the wites or wise men, as a component part of the Wittenagemot; but who *these* were, is not so clearly ascertained by the laws or the history of that period. The matter would probably be of difficult discussion, even were it examined impartially; but as our modern parties have chosen to divide on this point, the question has been disputed with the greater obstinacy, and the arguments on both sides have become on that account the more captious and deceitful. Our monarchical faction maintain, that these *wites* or *sapientes* were the judges, or men learned in the law; the popular faction assert them to be representatives of the boroughs, or what we now call the commons.

The expressions employed by all ancient historians in mentioning the Wittenagemot seem to contradict the latter supposition. The members are almost always called the *principes, satrapæ, optimates, magnates, proceres*; terms which seem to suppose an aristocracy, and to exclude the commons. The boroughs also, from the low state of commerce were so small and so poor, and the inhabitants lived in such dependence on the great men (Brady on English boroughs, p. 3, etc.), that it seems nowise probable they would be admitted as a part of the national councils. The commons are well known to have had no share in the governments established by the Franks, Burgundians, and other northern nations, and we may conclude that the Saxons, who remained longer barbarous and uncivilized than those tribes, would never think of conferring such an extraordinary privilege on trade and industry. The military profession alone was honourable among all those conquerors; the warriors subsisted by their possessions in land; they became considerable by their influence over their vassals, retainers, tenants, and slaves; and it requires strong proof to convince us that they would admit any of a rank so much inferior as the burgesses to share with them in the legislative authority. Tacitus indeed affirms, that among the ancient Germans, the consent of all the members of the community was required in every important deliberation; but he speaks not of representatives; and this ancient practice mentioned by the Roman historian, could only have place in small tribes, where every citizen might without inconvenience be assembled upon any extraordinary emergency. After principalities became extensive; after the difference of property had formed distinctions more important than those which arose from personal strength and valour, we may conclude that the national assemblies must have been more limited in their number, and composed only of the more considerable citizens.

But though we must exclude the burgesses or commons from the Saxon Wittenagemot, there is some necessity for supposing that this assembly consisted of other members than the prelates, abbots, aldermen, and the judges or privy council. For all these, excepting some of

term of earl was, in the age of Athelstan, just beginning to be in use in England, and stood at that time for the atheling or prince of the blood, heir to the crown. This he confirms by a law of Canute, § 55, where an atheling and an archbishop are put upon the same footing. In another law of the same Athelstan, the weregild of the prince, or atheling, is said to be 15,000 thrimas. Wilkins, p. 72. He is therefore the same who is called earl in the former law.

the ecclesiastics,<sup>1</sup> were anciently appointed by the king: had there been no other legislative authority, the royal power had been in a great measure absolute, contrary to the tenor of all the historians, and to the practice of all the northern nations. We may therefore conclude, that the more considerable proprietors of land were, without any election, constituent members of the national assembly; there is reason to think that forty hydes, or between four and five thousand acres, was the estate requisite for entitling the possessor to this honourable privilege. We find a passage in an ancient author (Hist. Elenses, lib. ii., cap. 40), by which it appears, that a person of very noble birth, even one allied to the crown, was not esteemed a *princeps* (the term usually employed by ancient historians when the Wittenagemot is mentioned) till he had acquired a fortune of that amount. Nor need we imagine that the public council would become disorderly or confused by admitting so great a multitude. The landed property of England was probably in few hands during the Saxon times, at least, during the latter part of that period; and as men had hardly any ambition to attend those public councils, there was no danger of the assembly's becoming too numerous for the despatch of the little business which was brought before them.

It is certain that whatever we may determine concerning the constituent members of the Wittenagemot, in whom, with the king, the legislature resided, the Anglo-Saxon government, in the period preceding the Norman conquest, was become extremely aristocratical; the royal authority was very limited; the people, even if admitted to that assembly, were of little or no weight and consideration. We have hints given us in historians of the great power and riches of particular noblemen; and it could not but happen after the abolition of the heptarchy, when the king lived at a distance from the provinces, that those great proprietors who resided on their estates would much augment their authority over their vassals and retainers, and over all the inhabitants of the neighbourhood. Hence the immeasurable power assumed by Harold, Godwin, Leofric, Siward, Morcar, Edwin, Edric, and Alfric, who controlled the authority of the kings, and rendered themselves quite necessary in the government. The two latter, though detested by the people on account of their joining a foreign enemy, still preserved their power and influence; and we may therefore conclude that their authority was founded, not on popularity, but on family rights and possessions. There is one Athelstan mentioned in the reign of the king of that name, who is called Alderman of all England, and is said to be half-king, though the monarch himself was a prince of valour and abilities (Hist. Rames, § III, p. 387). And we find that, in the later Saxon times, and in these alone, the great offices went from father to son, and became in a manner hereditary in the families.<sup>2</sup>

The circumstances attending the invasions of the Danes would also

<sup>1</sup> There is some reason to think that the bishops were sometimes chosen by the wittenagemot, and confirmed by the king. Eddius, cap. 2. The abbots in the monasteries of royal foundation were anciently named by the king, though Edgar gave the monks the election, and only reserved to himself the ratification. This destination was afterwards frequently violated, and the abbots, as well as bishops, were afterwards all appointed by the king, as we learn from Ingulf, a writer contemporary to the conquest.

<sup>2</sup> Roger Hoveden, giving the reason why William the Conqueror made Cospatic Earl of

serve much to increase the power of the principal nobility. Those freebooters made unexpected inroads on all quarters, and there was a necessity that each county should resist them by its own force, and under the conduct of its own nobility and its own magistrates. For the same reason that a general war, managed by the united efforts of the whole state, commonly augments the power of the crown, those private wars and frequent inroads turned to the advantage of the aldermen and nobles.

Among that military and turbulent people, so averse to commerce and the arts, and so little inured to industry, justice was commonly very ill administered, and great oppression and violence seem to have prevailed. These disorders would be increased by the exorbitant power of the aristocracy; and would, in their turn, contribute to increase it. Men, not daring to rely on the guardianship of the laws, were obliged to devote themselves to the service of some chieftain, whose orders they followed even to the disturbance of the government, or the injury of their fellow-citizens, and who afforded them, in return, protection from any insult or injustice by strangers. Hence we find, by the extracts which Dr. Brady has given us from Domesday, that almost all the inhabitants, even of towns, had placed themselves under the clientship of some particular nobleman, whose patronage they purchased by annual payments, and whom they were obliged to consider as their sovereign, more than the king himself or even the legislature.<sup>1</sup> A client, though a freeman, was supposed so much to belong to his patron, that his murderer was obliged by law to pay a fine to the latter as a compensation for his loss; in like manner as he paid a fine to the master for the murder of his slave (LL. Edw. Conf., § viii, apud Ingulf.). Men who were of a more considerable rank, but not powerful enough each to support himself by his own independent authority, entered into formal confederacies with each other, and composed a kind of separate community, which rendered itself formidable to all aggressors. Dr. Hickes has preserved a curious Saxon bond of this kind, which he calls a *Sodalitium*, and which contains many particulars characteristic of the manners and customs of the times (Dissert. Epist., p. 21). All the associates are there said to be gentlemen of Cambridgeshire; and they swear before the holy relics to observe their confederacy, and to be faithful to each other. They promise to bury any of the associates who dies, in whatever place he had appointed; to contribute to his funeral charges, and to attend at his interment; and whoever is wanting in this last duty binds himself to pay a measure of honey. When any of the associates is in danger, and calls for the assistance of his fellows, they promise, besides flying to his succour, to give information to the sheriff; and if he be negligent in protecting the person exposed to danger, they engage to levy a fine of one pound upon him. If the president of the society himself be wanting in this particular, he

Northumberland, says 'Nam ex materno sanguine attinebat ad eum honor illius comitatús. Erat enim ex matre Alghitha, filia Uthredi comitis. See also Sum. Dun., p. 205. We see in those instances, the same tendency towards rendering offices hereditary, which took place, during a more early period, on the continent, and which had already produced there its full effect.

<sup>1</sup> Brady's Treatise of Boroughs, 3, 4, 5, etc. The case was the same with the freemen in the country. Pref. to his Hist., pp. 8, 9, 10, etc.

binds himself to pay one pound, unless he has the reasonable excuse of sickness or of duty to his superior. When any of the associates is murdered, they are to exact eight pounds from the murderer; and if he refuse to pay it, they are to prosecute him for the sum at their joint expense. If any of the associates who happen to be poor kill a man, the society are to contribute, by a certain proportion, to pay his fine. a mark a piece, if the fine be 700s.; less if the person killed be a clown or ceorle; the half of that sum, again, if he be a Welshman. But where any of the associates kills a man, wilfully and without provocation, he must himself pay the fine. If any of the associates kill any of his fellows, in a like criminal manner, besides paying the usual fine to the relations of the deceased, he must pay eight pounds to the society, or renounce the benefit of it: in which case they bind themselves, under the penalty of one pound, never to eat or drink with him, except in the presence of the king, bishop, or alderman. There are other regulations to protect themselves and their servants from all injuries, to revenge such as are committed, and to prevent their giving abusive language to each other, and the fine, which they engage to pay for this last offence, is a measure of money.

It is not to be doubted but a confederacy of this kind must have been a great source of friendship and attachment when men lived in perpetual danger from enemies, robbers, and oppressors, and received protection chiefly from their personal valour, and from the assistance of their friends or patrons. As animosities were then more violent, connections were also more intimate, whether voluntary or derived from blood. The most remote degree of propinquity was regarded; an indelible memory of benefits was preserved; severe vengeance was taken for injuries, both from a point of honour and as the best means of future security; and the civil union being weak, many private engagements were contracted in order to supply its place, and to procure men that safety which the laws and their own innocence were not alone able to ensure to them.

On the whole, notwithstanding the seeming liberty, or rather licentiousness of the Anglo-Saxons, the great body even of the free citizens in those ages really enjoyed much less true liberty than where the execution of the laws is the most severe, and where subjects are reduced to the strictest subordination and dependence on the civil magistrate. The reason is derived from the excess itself of that liberty. Men must guard themselves at any price against insults and injuries; and where they receive not protection from the laws and magistrate, they will seek it by submission to superiors and by herding in some private confederacy which acts under the direction of a powerful leader. And thus all anarchy is the immediate cause of tyranny, if not over the state, at least over many of the individuals.

Security was provided by the Saxon laws to all members of the Wittenagemot, both in going and returning, *except they were notorious thieves and robbers.*

The German Saxons, as the other nations of that continent, were divided into three ranks of men, the noble, the free, and the slaves (Nithard, Hist., lib. iv.). This distinction they brought over with them into Britain.

The nobles were called thanes, and were of two kinds: the king's thanes and lesser thanes. The latter seem to have been dependent on the former, and to have received lands for which they paid rent, services, or attendance in peace and war (Spelm., Feuds and Tenures, p. 40). We know of no title which raised any one to the rank of thane except noble birth and the possession of land. The former was always much regarded by all the German nations even in their most barbarous state; and as the Saxon nobility, having little credit, could scarcely burden their estates with much debt, and as the commons had little trade or industry by which they could accumulate riches, these two ranks of men, even though they were not separated by positive laws, might remain long distinct, and the noble families continue many ages in opulence and splendour. There were no middle rank of men that could gradually mix with their superiors, and insensibly procure to themselves honour and distinction. If, by any extraordinary accident, a mean person acquired riches, a circumstance so singular made him be known and remarked; he became the object of envy as well as of indignation to all the nobles; he would have great difficulty to defend what he had acquired, and he would find it impossible to protect himself from oppression except by courting the patronage of some great chieftain, and paying a large price for his safety.

There are two statutes among the Saxon laws which seem calculated to confound those different ranks of men; that of Athelstan, by which a merchant who had made three long sea-voyages on his own account was entitled to the quality of thane (Wilkins, p. 71), and that of the same prince, by which a ceorle or husbandman, who had been able to purchase five hides of land, and had a chapel, a kitchen, a hall, and a bell, was raised to the same distinction (Selden, Titles of Honour, p. 515; Wilkins, p. 70). But the opportunities were so few by which a merchant or ceorle could thus exalt himself above his rank, that the law could never overcome the reigning prejudices; the distinction between noble and base blood would still be indelible; and the well-born thanes would entertain the highest contempt for those legal and factitious ones. Though we are not informed of any of these circumstances by ancient historians, they are so much founded on the nature of things, that we may admit them as a necessary and infallible consequence of the situation of the kingdom during those ages.

The cities appear by Domesday-book to have been at the conquest little better than villages.<sup>1</sup> York itself, although it was always the second, at least the third<sup>2</sup> city in England, and was the capital of a great province, which never was thoroughly united with the rest, contained then but 1418 families.<sup>3</sup> Malmesbury tells us (p. 102; also *De Gest. Angl.*, p. 333) that the great distinction between the Anglo-Saxon nobility and the French or Norman, was that the latter built magnifi-

<sup>1</sup> Winchester, being the capital of the West Saxon monarchy, was anciently a considerable city. *Gul. Pict.*, p. 210.

<sup>2</sup> Norwich contained 738 houses, Exeter 315, Ipswich 538, Northampton 60, Hertford 146, Canterbury 262, Bath 64, Southampton 84, Warwick 225. *Brady on Boroughs*, pp. 3, 4, 5, 6, etc. These are the most considerable he mentions. The account of them is extracted from *Domesday Book*.

<sup>3</sup> *Brady's Treatise of Boroughs*, p. 20. There were six wards, besides the archbishop's palace, and five of these wards contained the number of families here mentioned, which, at the rate of five persons to a family, makes about 7,000 souls. The fifth ward was laid waste.



cent and stately castles, whereas the former consumed their immense fortunes in riot and hospitality, and in mean houses. We may thence infer that the arts in general were much less advanced in England than in France, a greater number of idle servants and retainers lived about the great families, and as these, even in France, were powerful enough to disturb the execution of the laws, we may judge of the authority acquired by the aristocracy in England. When Earl Godwin besieged the Confessor in London, he summoned from all parts his huscarles, or houseceorles, and retainers, and thereby constrained his sovereign to accept of the conditions which he was pleased to impose.

The lower rank of freemen were denominated ceorles among the Anglo-Saxons; and, where they were industrious, they were chiefly employed in husbandry: whence a ceorle and a husbandman became in a manner synonymous terms. They cultivated the farms of the nobility or thanes, for which they paid rent; and they seem to have been removable at pleasure. For there is little mention of leases among the Anglo-Saxons the pride of the nobility, together with the general ignorance of writing, must have rendered those contracts very rare, and must have kept the husbandmen in a dependent condition. The rents of farms were then chiefly paid in kind<sup>1</sup>

But the most numerous rank by far in the community seems to have been the slaves or villains, who were the property of their lords, and were consequently incapable, themselves, of possessing any property. Dr. Brady assures us, from a survey of Domesday-book (Gen. Preface to his Hist., p. 7, etc.), that in all the counties of England the far greater part of the land was occupied by them, and that the husbandmen, and still more the socmen, who were tenants that could not be removed at pleasure, were very few in comparison. This was not the case with the German nations, as far as we can collect from the account given us by Tacitus. The perpetual wars in the heptarchy, and the depredations of the Danes, seem to have been the cause of this great alteration with the Anglo-Saxons. Prisoners taken in battle, or carried off in the frequent inroads, were then reduced to slavery; and became, by right of war,<sup>2</sup> entirely at the disposal of their lords. Great property in the nobles, especially if joined to an irregular administration of justice, naturally favours the power of the aristocracy; but still more so, if the practice of slavery be admitted, and has become very common. The nobility not only possess the influence always attending riches, but also the power which the laws give them over their slaves and villains. It then becomes difficult, and almost impossible, for a private man to remain altogether independent.

There were two kinds of slaves among the Anglo-Saxons; household slaves, after the manner of the ancients, and prædial or rustic, after the manner of the Germans (Spelm. Gloss, in verb. *Servus*). These latter resembled the serfs which are at present to be met with in Poland, Denmark, and some parts of Germany. The power of a master over his slaves was not unlimited among the Anglo-Saxons, as it was among their ancestors. If a man beat out his slave's eye or

<sup>1</sup> Inæ, § 70. These laws fixed the rents for a hide, but it is difficult to convert it into modern measures.

<sup>2</sup> LL. Edg., § 24, apud Spelman Conc., vol. i, p. 471.

teeth, the slave recovered his liberty (LL. Ælf, § 20) · if he killed him he paid a fine to the king, provided the slave died within a day after the wound or blow, otherwise it passed unpunished (Ibid, § 17.) The selling of themselves or children to slavery was always the practice among the German nations (Tacit. de Morib. Germ.), and was continued by the Anglo-Saxons (LL. Inæ, § 11; LL. Ælf. § 12).

The great lords and abbots among the Anglo-Saxons possessed a criminal jurisdiction within their territories, and could punish without appeal any thieves or robbers whom they caught there.<sup>1</sup> This institution must have had a very contrary effect to that which was intended, and must have procured robbers a sure protection on the lands of such noblemen as did not sincerely mean to discourage crimes.

But though the general strain of the Anglo-Saxon government seems to have become aristocratical, there were still considerable remains of the ancient democracy, which were not indeed sufficient to protect the lowest of the people, without the patronage of some great lord, but might give security, and even some degree of dignity, to the gentry or inferior nobility. The administration of justice in particular, by the courts of the decennary, the hundred, and the county, was well calculated to defend general liberty, and to restrain the power of the nobles. In the county courts, or shiremotives, all the freeholders were assembled twice a year, and received appeals from the inferior courts. They there decided all causes, ecclesiastical as well as civil; and the bishop, together with the alderman or earl, presided over them.<sup>2</sup> The affair was determined in a summary manner, without much pleading, formality or delay, by a majority of voices, and the bishop and alderman had no further authority than to keep order among the freeholders, and interpose with their opinion.<sup>3</sup> Where justice was denied during three sessions by the hundred, and then by the county court, there lay an appeal to the king's court;<sup>4</sup> but this was not practised on slight occasions. The alderman received a third of the fines levied in those courts (LL. Edw. Conf., § 31); and as most of the punishments were then pecuniary, this perquisite formed a considerable part of the profits belonging to his office. The two-thirds also, which went to the king, made no contemptible part of the revenue. Any freeholder was fined who absented himself thrice from these courts (LL. Æthelst., § 20).

As the extreme ignorance of the age made deeds and writings very rare, the county or hundred court was the place where the most remarkable civil transactions were finished, in order to preserve the memory of them, and prevent all future disputes. Here testaments were promulgated, slaves manumitted, bargains of sales concluded, and sometimes, for greater security, the most considerable of these deeds were inserted in the blank leaves of the parish Bible, which thus became a kind of register too sacred to be falsified. It was not unusual to add to the deed an imprecation on all such as should be guilty of that crime (Hickes, Dissert. Epist.).

Among a people who lived in so simple a manner as the Anglo-

<sup>1</sup> Higden, lib 1, cap 50. LL. Edw. Conf., § 26, Spelm. Conc., vol 1, p 415, Gloss, in verb. *Æthelgnot et infangenthese*.

<sup>2</sup> LL. Edg., § 5. Wilkins, p 78, LL. Canut., § 17, Wilkins, p 136

<sup>3</sup> Hickes Dissert. Epist., pp 2, 3, 4, 5, 6, 7, 8

<sup>4</sup> LL. Edg., § 2, Wilkins, p 77, LL. Canut., § 18, apud Wilkins, p 136.

Saxons, the judicial power is always of greater importance than the legislative. There were few or no taxes imposed by the states; there were few statutes enacted, and the nation was less governed by laws than by customs, which admitted a great latitude of interpretation. Though it should therefore be allowed, that the Wittenagemot was altogether composed of the principal nobility, the county courts, where all the freeholders were admitted, and which regulated all the daily occurrences of life, formed a wide basis for the government, and were no contemptible checks on the aristocracy. But there is another power still more important than either the judicial or legislative, to wit, the power of injuring or serving by immediate force or violence, for which it is difficult to obtain redress in courts of justice. In all extensive governments, where the execution of the laws is feeble, this power naturally falls into the hands of the principal nobility; and the degree of it which prevails cannot be determined so much by the public statutes as by small incidents in history, by particular customs, and sometimes by the reason and nature of things. The highlands of Scotland have long been entitled by law to every privilege of British subjects, but it was not till very lately that the common people could in fact enjoy these privileges.

The powers of all the members of the Anglo-Saxon government are disputed among historians and antiquaries, the extreme obscurity of the subject, even though faction had never entered into the question, would naturally have begotten those controversies. But the great influence of the lords over their slaves and tenants, the clientship of the burghers, the total want of a middling rank of men, the extent of the monarchy, the loose execution of the laws, the continued disorders and convulsions of the state; all these circumstances evince that the Anglo-Saxon government became at last extremely aristocratical; and the events, during the period immediately preceding the conquest, confirm this inference or conjecture.

Both the punishments inflicted by the Anglo-Saxon courts of judicature, and the methods of proof employed in all causes, appear somewhat singular, and are very different from those which prevail at present among all civilized nations.

We must conceive that the ancient Germans were little removed from the original state of nature; the social confederacy among them was more martial than civil, they had chiefly in view the means of attack and defence against public enemies, not those of protection against their fellow-citizens; their possessions were so slender and so equal that they were not exposed to great danger, and the natural bravery of the people made every man trust to himself and to his particular friends for his defence or vengeance. This defect in the political union drew much closer the knot of particular confederacies; an insult upon any man was regarded by all his relations and associates as a common injury; they were bound by honour, as well as by a sense of common interest, to revenge his death, or any violence which he had suffered; they retaliated on the aggressor by like acts of violence; and if he were protected, as was natural and usual, by his own clan, the quarrel was spread still wider, and bred endless disorders in the nation.

The Frisians, a tribe of the Germans, had never advanced beyond

this wild and imperfect state of society, and the right of private revenge still remained among them unlimited and uncontrolled (LL. Fris. tit 2, apud Lindenbrog., p. 491). But the other German nations, in the age of Tacitus, had made one step further towards completing the political or civil union. Though it still continued to be an indispensable point of honour for every clan to revenge the death or injury of a member, the magistrate had acquired a right of interposing in the quarrel and of accommodating the difference. He obliged the person maimed or injured, and the relations of one killed, to accept of a present from the aggressor and his relations (LL. Æthelb., § 23; LL. Ælf., § 27), as a compensation for the injury (called by the Saxons *magbota*), and to drop all further prosecution of revenge. That the accommodation of one quarrel might not be the source of more, this present was fixed and certain, according to the rank of the person killed or injured, and was commonly paid in cattle, the chief property of those rude and uncultivated nations. A present of this kind gratified the revenge of the injured family by the loss which the aggressor suffered; it satisfied their pride by the submission which it expressed, it diminished their regret for the loss or injury of a kinsman by their acquisition of new property; and thus general peace was for a moment restored to the society.<sup>1</sup>

But when the German nations had been settled some time in the provinces of the Roman empire, they made still another step towards a more cultivated life, and their criminal justice gradually improved and refined itself. The magistrate, whose office it was to guard public peace, and to suppress private animosities, conceived himself to be injured by every injury done to any of his people, and besides the compensation to the person who suffered, or to his family, he thought himself entitled to exact a fine called the *Fridwut*, as an atonement for the breach of peace and as a reward for the pains which he had taken in accommodating the quarrel. When this idea, which is so natural, was once suggested, it was willingly received both by sovereign and people. The numerous fines which were levied augmented the revenue of the king; and the people were sensible that he would be more vigilant in interposing with his good offices, when he reaped such immediate advantage from them; and that injuries would be less frequent when, besides compensation to the person injured, they were exposed to this additional penalty.<sup>2</sup>

This short abstract contains the history of the criminal jurisprudence of the northern nations for several centuries. The state of England in this particular, during the period of the Anglo-Saxons, may be judged of by the collection of ancient laws, published by Lambard and Wilkins. The chief purport of these laws is not to prevent or entirely suppress private quarrels, which the legislator knew to be impossible, but only to regulate and moderate them. The laws of Alfred enjoin, that if any one know that his enemy or aggressor,

<sup>1</sup> Tacit de Morib Germ. The author says that the price of the composition was fixed, which must have been by the laws and the interposition of the magistrates.

<sup>2</sup> Besides paying money to the relations of the deceased and to the king, the murderer was also obliged to pay the master of a slave or vassal a sum as a compensation for his loss. This was called the *Manbote*. Spel Gloss in verb *Fredum*, *Manbot*.

after doing him an injury, resolves to keep within his own house *and his own lands*,<sup>1</sup> he shall not fight him, till he require compensation for the injury. If he be strong enough to besiege him in his house, he may do it for seven days without attacking him; and if the aggressor be willing, during that time, to surrender himself and his arms, his adversary may detain him thirty days; but he is afterwards obliged to restore him safe to his kindred, *and be content with the compensation*. If the criminal fly to the temple, that sanctuary must not be violated. Where the assailant has not force sufficient to besiege the criminal in his house, he must apply to the alderman for admittance, and if the alderman refuse aid, the assailant must have recourse to the king, and he is not allowed to assault the house till after the supreme magistrate has refused assistance. If any one meet with his enemy, and be ignorant that he was resolved to keep within his own lands, he must before he attack him, require him to surrender himself prisoner and deliver up his arms, in which case, he may detain him thirty days: but if he refuse to deliver up his arms, it is then lawful to fight him. A slave may fight in his master's quarrel: a father may fight in his son's with any one, except with his master (LL. Ælfr., § 28; Wilkins, p. 43).

It was enacted by King Ina, that no man should take revenge for an injury till he had first demanded compensation, and had been refused it (LL. Inæ, § 9).

King Edmond, in the preamble to his laws, mentions the general misery occasioned by the multiplicity of private feuds and battles; and he establishes several expedients for remedying this grievance. He ordains, that if any one commit murder, he may, with the assistance of his kindred, pay within a twelvemonth the fine of his crime; and if they abandon him, he shall alone sustain the deadly feud or quarrel with the kindred of the murdered person. his own kindred are free from the feud, but on condition that they neither converse with the criminal, nor supply him with meat *or other necessities*, if any of them after renouncing him, receive him into their house, *or give him assistance*, they are finable to the king, and are involved in the feud. If the kindred of the murdered person take revenge on any but the criminal himself, *after he is abandoned by his kindred*, all their property is forfeited, and they are declared to be enemies to the king and all his friends (LL. Edm., § 1, Wilkins, p. 73). It is also ordained, that the fine for murder shall never be remitted by the king (LL. Edm., § 3), and that no criminal shall be killed who flies to the church, or any of the king's towns (LL. Edm., § 2), and the king himself declares that his house shall give no protection to murderers, till they have satisfied the church by their penance, and the kindred of the deceased by compensation (LL. Edm., § 4). The method appointed for transacting this composition is found in the same law (LL. Edm., § 7).

These attempts of Edmond, to contract and diminish the feuds, were contrary to the ancient spirit of the northern barbarians, and were a step towards a more regular administration of justice. By the Salic law, any man might by public declaration, exempt himself from his family quarrels: but then he was considered by the law as no

<sup>1</sup> The addition of these last words in italics appears necessary from what follows in the same law

longer belonging to the family ; and he was deprived of all right of succession, as the punishment of his cowardice (Tit. 63).

The price of the king's head, or his *weiegild*, as it was then called, was by law 30,000 *thrimsas*, near 1300 pounds of present money. The price of the prince's head was 15,000 *thrimsas* ; that of a bishop's or alderman's 8000 ; a sheriff's 4000 ; a thane's or clergyman's 2000 ; a *ceorle's* 266. These prices were fixed by the laws of the Angles. By the Mercian law, the price of a *ceorle's* head was 200 shillings ; that of a thane's six times as much ; that of a king's six times more (Wilkins, pp. 71, 72) By the laws of Kent, the price of the archbishop's head was higher than that of the king's (LL. *Elthredi*, apud Wilkins, p. 110). Such respect was then paid to the ecclesiastics ! It must be understood, that where a person was unable or unwilling to pay the fine, he was put out of the protection of law, and the kindred of the deceased had liberty to punish him as they thought proper.

Some antiquarians<sup>1</sup> have thought, that these compensations were only given for manslaughter, not for wilful murder. But no such distinction appears in the laws ; and it is contradicted by the practice of all the other barbarous nations (Lindenbiogius, *passim*), by that of the ancient Germans (Tac. *de Mor Germ*), and by that curious monument above mentioned of Saxon antiquity, preserved by Hickes. There is indeed a law of Alfred's which makes wilful murder capital,<sup>2</sup> but this seems only to have been an attempt of that great legislator towards establishing a better police in the kingdom, and it probably remained without execution. By the laws of the same prince, a conspiracy against the life of the king might be redeemed by a fine (LL. *Ælf*, § 4, Wilkins, p. 35).

The price of all kinds of wounds was likewise fixed by the Saxon laws : a wound of an inch long, under the hair, was paid with one shilling ; one of a like size in the face, two shillings, thirty shillings for the loss of an ear ; and so forth (LL. *Ælf*, § 40, also LL. *Ethelb*, § 34, etc.). There seems not to have been any difference made, according to the dignity of the person. By the laws of Ethelbert, any one who committed adultery with his neighbour's wife was obliged to pay him a fine, and buy him another wife (LL. *Ethelb*, § 32).

These institutions are not peculiar to the ancient Germans. They seem to be the necessary progress of criminal jurisprudence among every free people where the will of the sovereign is not implicitly obeyed. We find them among the ancient Greeks during the time of the Trojan war. Compositions for murder are mentioned in Nestor's speech to Achilles in the Ninth *Iliad*, and are called *αρωαι*. The Irish, who never had any connections with the German nations, adopted the same practice till very lately ; and the price of a man's head was called among them his *eric* ; as we learn from Sir John Davis. The same custom seems also to have prevailed among the Jews (Exod. *xxi* 29, 30).

Theft and robbery were frequent among the Anglo-Saxons. In order to impose some check upon these crimes, it was ordained that

<sup>1</sup> Tyrrel *introduc.* vol. 1, p. 126, Carte, vol. 1, p. 366

<sup>2</sup> LL. *Ælf*, § 12, Wilkins, p. 29. It is probable, that by wilful murder, Alfred means a treacherous murder, committed by one who has no declared feud with another

no man should sell or buy anything above twenty pence value, except in open market (LL. Æthelst., § 12); and every bargain of sale must be executed before witnesses.<sup>1</sup> Gangs of robbers much disturbed the peace of the country; and the law determined, that a tribe of banditti, consisting of between seven and thirty-five persons was to be called a *turma*, or troop: any greater company was denominated an army (LL. Inæ, § 12). The punishments for this crime were various, but none of them capital (LL. Inæ, § 37). If any man could track his stolen cattle into another's ground, the latter was obliged to show the tracks out of it, or pay their value (LL. Æthelst., § 2).

Rebellion, to whatever excess it was carried, was not capital, but might be redeemed by a sum of money.<sup>2</sup> The legislators, knowing it impossible to prevent all disorders, only imposed a higher fine on breaches of the peace committed in the king's court, or before an alderman or bishop. An alehouse too seems to have been considered as a privileged place; and any quarrels that arose there were more severely punished than elsewhere.<sup>3</sup>

If the manner of punishing crimes among the Anglo-Saxons appear singular, the proofs were not less so; and were also the natural result of the situation of those people. Whatever we may imagine concerning the usual truth and sincerity of men who live in a rude and barbarous state, there is much more falsehood, and even perjury among them, than among civilized nations. Virtue, which is nothing but a more enlarged and more cultivated reason, never flourishes to any degree, nor is founded on steady principles of honour, except where a good education becomes general, and where men are taught the pernicious consequences of vice, treachery, and immorality. Even superstition, though more prevalent among ignorant nations, is but a poor supply for the defects in knowledge and education. Our European ancestors, who employed every moment the expedient of swearing on extraordinary crosses and relics, were less honourable in all engagements than their posterity, who from experience have omitted those ineffectual securities. This general proneness to perjury was much increased by the usual want of discernment in judges, who could not discuss an intricate evidence, and were obliged to number, not weigh, the testimony of the witnesses.<sup>4</sup> Hence the ridiculous practice of obliging men to bring compurgators, who, as they did not pretend to know anything of the fact, expressed upon oath that they believed the person spoke true; and these compurgators were in some cases multiplied to the number of three hundred (Præf. Nicol. ad Wilkins, p. 11). The practice also of single combat was employed by most nations on the continent as a remedy against false evidence;<sup>5</sup> and though it was frequently dropped, from the opposition of the clergy, it was continually revived, from experience of the falsehood

<sup>1</sup> LL. Æthelst., § 10, 12, LL. Edg. apud Wilkins, p. 80, LL. Ethelredi, § 4, apud Wilkins, p. 103, Hloth. and Eadn. § 16, LL. Canut. § 27.

<sup>2</sup> LL. Ethelredi, apud Wilkins, p. 110, LL. Ælf., § 4, Wilkins, p. 35.

<sup>3</sup> LL. Hloth. and Eadn. § 12, 13, LL. Ethelr., apud Wilkins, p. 117.

<sup>4</sup> Sometimes the laws fixed easy general rules for weighing the credibility of witnesses. A man whose life was estimated at 120 shillings counterbalanced six ceorles, each of whose lives was only valued at twenty shillings, and his oath was esteemed equivalent to that of all the six. Wilkins, p. 72.

<sup>5</sup> LL. Burgund., cap. 45, LL. Lomb., lib. 11, tit. 55, cap. 34.

attending the testimony of witnesses.<sup>1</sup> It became at last a species of jurisprudence the cases were determined by law, in which the party might challenge his adversary, or the witnesses, or the judge himself (Desontaines and Beaumanoir). And though these customs were absurd, they were rather an improvement on the methods of trial which had formerly been practised among those barbarous nations, and which still prevailed among the Anglo-Saxons.

When any controversy about a fact became too intricate for those ignorant judges to unravel, they had recourse to what they called the judgment of God, that is, to fortune; their methods of consulting this oracle were various. One of them was the decision by the *cross*; it was practised in this manner: when a person was accused of any crime, he first cleared himself by oath, and he was attended by eleven compurgators. He next took two pieces of wood, one of which was marked with the sign of the cross, and wrapping both up in wool, he placed them on the altar, or on some celebrated relic. After some prayers for the success of the experiment, a priest, or in his stead some inexperienced youth, took up one of the pieces of wood, and if he happened upon that which was marked with the figure of the cross, the person was pronounced innocent, if otherwise, guilty (LL Frison, tit. 14, apud Lindenbrogium, p. 496). This practice, as it arose from superstition, was abolished by it in France. The emperor, Lewis the Debonnaire, prohibited that method of trial, not because it was uncertain, but lest that sacred figure, says he, of the cross should be prostituted in common controversies (Du Cange in verb. *Cruz*).

The ordeal was another established method of trial among the Anglo-Saxons. It was practised either by the boiling water or red-hot iron. The former was appropriated to common people, the latter to the nobility. The water or iron was consecrated by many prayers, masses, fastings, and exorcisms,<sup>2</sup> after which the person accused either took up a stone sunk in the water (LL Inæ, § 77) to a certain depth, or carried the iron to a certain distance, and his hand being wrapped up, and the covering sealed for three days, if there appeared on examining it no marks of burning, he was pronounced innocent; if otherwise, guilty.<sup>3</sup> The trial by cold water was different; the person was thrown into consecrated water; if he swam, he was guilty, if he sunk, innocent (Spelman in verb. *Ordealum*). It is difficult for us to conceive how any innocent person could ever escape by the one trial, or any criminal be convicted by the other. But there was another usage admirably calculated for allowing every criminal to escape, who had confidence enough to try it. A consecrated cake, called a *corsned*, was produced; which if the person could swallow and digest, he was pronounced innocent.<sup>4</sup>

The feudal law, if it had place at all among the Anglo-Saxons, which is doubtful, was not certainly extended over all the landed property, and was not attended with those consequences of homage, reliefs,<sup>5</sup> worship, marriage, and other burdens, which were inseparable from it in

<sup>1</sup> LL Longob. lib. 11, tit. 55, cap. 23, apud Lindenb. p. 661

<sup>2</sup> Spelman in verb. *Ordeal*, Parker, p. 155, Lindenbrog, p. 1299

<sup>3</sup> Sometimes the person accused walked barefooted over red-hot iron

<sup>4</sup> Spelman in verb. *Corsned*, Parker, p. 156, Text Ruffens, p. 33

<sup>5</sup> On the death of an alderman, a greater or lesser thane, there was a payment made to the



the kingdoms of the continent. As the Saxons expelled, or almost entirely destroyed the ancient Britons, they planted themselves in this island on the same footing with their ancestors in Germany, and found no occasion for the feudal institutions,<sup>1</sup> which were calculated to maintain a kind of standing army, always in readiness to suppress any insurrection among the conquered people. The trouble and expense of defending the state in England lay equally upon all the land; and it was usual for every five hides to equip a man for the service. The *trinoda necessitas*, as it was called, or the burden of military expeditions, of repairing highways, and of building and supporting bridges, was inseparable from landed property, even though it belonged to the Church or monasteries, unless exempted by a particular charter (Spelm. Con., vol. i., p. 256). The ceorles or husbandmen were provided with arms, and were obliged to take their turn in military duty (Inæ, § 51). There were computed to be 243,600 hides in England (Spelm. of Feuds and Tenures, p. 17), consequently the ordinary military force of the kingdom consisted of 48,720 men; though, no doubt, on extraordinary occasions, a greater number might be assembled. The king and nobility had some military tenants who were called *Sithcun-men* (Spelm. Con., vol. i., p. 195). And there were some lands annexed to the office of aldermen, and to other offices; but these probably were not of great extent, and possessed only during pleasure, as in the commencement of the feudal law in other countries of Europe.

The revenue of the king seems to have consisted chiefly in his demesnes, which were large, and in the tolls and imposts which he probably levied at discretion on the boroughs and seaports that lay within his demesnes. He could not alienate any part of the crown lands, even to religious uses, without the consent of the states (Spelm. Con., vol. i., p. 340). Danegelt was a land tax of a shilling a hide, imposed by the states (Chron. Sax., p. 128), either for payment of the sums exacted by the Danes, or for putting the kingdom in a posture of defence against those invaders (LL. Edw. Con., § 12).

The Saxon pound, as likewise that which was coined for some centuries after the conquest, was near three times the weight of our present money, there were forty-eight shillings in the pound, and five pence in a shilling (LL. Ælf., § 40), consequently a Saxon shilling was near a fifth heavier than ours, and a Saxon penny near three times as heavy.<sup>2</sup> As to the value of money in those times, compared to commodities, there are some, though not very certain means of computation. A sheep, by the laws of Athelstan, was estimated at a shilling; that is, fifteen pence of our money. The fleece was two-fifths of the value of the whole sheep (LL. Inæ, § 69), much above its present estimation; and the reason probably was, that the Saxons, like the ancients, were little acquainted with any clothing but what was made of wool. Silk and cotton were quite unknown; linen was not much used. An ox was computed at six times the value of a sheep; a cow at four (Wilkins, p. 66). If we suppose, that the cattle in that age,

king of his best arms, and this was called his heriot, but this was not of the nature of a relief. Spelm. of tenures, p. 2. The value of this heriot was fixed by Canute's laws, § 69.

<sup>1</sup> Bracton de Acqui. rer. doman., lib. ii., cap. 16. See more fully Spelman of feuds and tenures, and Craigius de jure feud., lib. i., dig. 7.

<sup>2</sup> Fleetwood's Chronicon Pretiosum, pp. 27, 28, etc.

from the defects in husbandry, were not so large as they are at present in England, we may compute that money was then near ten times of greater value. A horse was valued at about thirty-six shillings of our money, or thirty Saxon shillings (*Ibid.* p. 126), a mare a third less. A man at three pounds (*Ibid.*). The board-wages of a child the first year was eight shillings, together with a cow's pasture in summer, and an ox's in winter (*L.L. Inæ*, § 38). William of Malmesbury mentions it as a remarkably high price that William Rufus gave fifteen marks for a horse, or thirty pounds of our present money (p. 121). Between the years 900 and 1000, Ednoth bought a hide of land for about 118 shillings of present money (*Hist. Rames*, p. 415). This was little more than a shilling an acre, which indeed appears to have been the usual price, as we may learn from other accounts (*Hist. Elens*, p. 473). A palfrey was sold for twelve shillings about the year 966 (*Hist. Elens*, p. 471). The value of an ox in King Ethelred's time was between seven and eight shillings; a cow about six shillings (*Wilkins*, p. 126). Gervas of Tilbury says, that in Henry I's time, bread which would suffice a hundred men for a day were rated at three shillings, or a shilling of that age; for it is thought that soon after the conquest, a pound sterling was divided into twenty shillings, a sheep was rated at a shilling and so of other things in proportion. In Athelstan's time a ram was valued at a shilling, or fourpence Saxon (*Wilkins*, p. 56). The tenants of Shireburn were obliged, at their choice, to pay either sixpence, or four hens (*Monast. Anglic.*, vol. 11, p. 528). About 1232, the Abbot of St. Albans, going on a journey, hired seven handsome stout horses; and agreed, if any of them died on the road, to pay the owner thirty shillings apiece of our present money (*Mat. Paris*). It is to be remarked, that in all ancient times, the raising of corn, especially wheat, being a species of manufactory, that commodity always bore a higher price compared to cattle than it does in our times (*Fleetwood*, pp. 83, 94, 96, 98). The Saxon Chronicle tells us (p. 157), that in the reign of Edward the Confessor there was the most terrible famine ever known, insomuch that a quarter of wheat rose to sixty pennies, or fifteen shillings of our present money. Consequently it was as dear as if it now cost seven pounds ten shillings. This much exceeds the great famine in the end of Queen Elizabeth, when a quarter of wheat was sold for four pounds. Money in this last period was nearly of the same value as in our time. These severe famines are a certain proof of bad husbandry.

On the whole, there are three things to be considered wherever a sum of money is mentioned in ancient times. First, the change of denominations, by which a pound has been reduced to the third part of its ancient weight in silver. Secondly, the change in value by the greater plenty of money, which has reduced the same weight of silver to ten times less value compared to commodities, and consequently a pound sterling to the thirtieth part of the ancient value. Thirdly, the fewer people and less industry, which were then to be found in every European kingdom. This circumstance made even the thirtieth part of the sum more difficult to levy, and caused any sum to have more than thirty times greater weight and influence both abroad and at home, than in our times; in the same manner that a sum, a hundred

thousand pounds for instance, is at present more difficult to levy in a small state, such as Bavaria, and can produce greater effects on such a small community, than on England. This last difference is not easy to be calculated, but allowing that England has now six times more industry, and three times more people than it had at the conquest, and some reigns after that period, we are upon that supposition to conceive, taking all circumstances together, every sum of money mentioned by historians, as if it were multiplied more than a hundred-fold above a sum of the same denomination at present.

In the Saxon times, land was divided equally among all the male children of the deceased, according to the custom of Gavelkind. The practice of entails is to be found in those times (LL. Ælf., § 37; apud Wilkins, p. 43). Land was chiefly of two kinds, *bockland*, or land held by book or charter, which was regarded as full property, and descended to the heirs of the possessor, and *folkland*, or the land held by the *ceorles* and common people, who were removable at pleasure, and were only tenants during the will of their lords.

The first attempt we find in England to separate the ecclesiastical from the civil jurisdiction, was that law of Edgar, by which all disputes among the clergy were ordered to be carried before the bishop (Wilkins, p. 83). The penances were then very severe; but as a man could buy them off with money, or might substitute others to perform them, they lay easy upon the rich (Ibid., p. 96; Spelm. Conc., p. 473).

With regard to the manners of the Anglo-Saxons we can say little, but that they were in general a rude, uncultivated people, ignorant of letters, unskilled in mechanical arts, untamed to submission under law and government, addicted to intemperance, riot, and disorder. Their best quality was their military courage, which yet was not supported by discipline or conduct. Their want of fidelity to the prince, or to any trust reposed in them, appears strongly in the history of their later period, and their want of humanity in all their history. Even the Norman historians, notwithstanding the low state of the arts in their own country, speak of them as barbarians, when they mention the invasion made upon them by the Duke of Normandy (Gul. Pict., p. 202). The conquest put the people in a situation of receiving slowly, from abroad, the rudiments of science and cultivation, and of correcting their rough and licentious manners.

#### CHAPTER IV.

##### WILLIAM THE CONQUEROR.

*Consequences of the battle of Hastings.—Submission of the English.—Settlement of the government.—King's return to Normandy.—Discontents of the English.—Their insurrections.—Rigours of the Norman government.—New insurrections.—New rigours of the government.—Introduction of the feudal law.—Innovation in ecclesiastical government.—Insurrection of the Norman barons.—Dispute about investitures.—Revolt of Prince Robert.—Domesday book.—The New Forest.—War with France.—The Death—and character of William the Conqueror.*

NOTHING could exceed the consternation which seized the English,

when (1066) they received intelligence of the unfortunate battle of Hastings, the death of their king, the slaughter of their principal nobility and of their bravest warriors, and the rout and dispersion of the remainder. But though the loss which they had sustained in that fatal action was considerable, it might have been repaired by a great nation, where the people were generally armed, and where there resided so many powerful noblemen in every province who could have assembled their retainers, and have obliged the Duke of Normandy to divide his army, and probably to waste it in a variety of actions and rencounters. It was thus that the kingdom had formerly resisted for many years its invaders, and had been gradually subdued by the continued efforts of the Romans, Saxons, and Danes; and equal difficulties might have been apprehended by William in this bold and hazardous enterprise. But there were several vices in the Anglo-Saxon constitution which rendered it difficult for the English to defend their liberties in so critical an emergency. The people had, in a great measure, lost all national pride and spirit by their recent and long subjection to the Danes; and as Canute had, in the course of his administration, much abated the rigours of conquest, and had governed them equitably by their own laws, they regarded with the less terror the ignominy of a foreign yoke, and deemed the inconveniences of submission less formidable than those of bloodshed, war, and resistance. Their attachment also to the ancient royal family had been much weakened by their habits of submission to the Danish princes, and by their late election of Harold, or their acquiescence in his usurpation. And as they had long been accustomed to regard Edgar Atheling, the only heir of the Saxon line, as unfit to govern them even in times of order and tranquillity, they could entertain small hopes of his being able to repair such great losses as they had sustained, or to withstand the victorious arms of the Duke of Normandy.

That they might not, however, be altogether wanting to themselves in this extreme necessity, the English took some steps towards adjusting their disjointed government, and united themselves against the common enemy. The two potent earls, Edwin and Morcar, who had fled to London with the remains of the broken army, took the lead on this occasion, in consort with Stigand, Archbishop of Canterbury, a man possessed of great authority, and of ample revenues, they proclaimed Edgar, and endeavoured to put the people in a posture of defence, and encourage them to resist the Normans.<sup>1</sup> But the terror of the late defeat, and the neighbourhood of the invaders, increased the confusion inseparable from great revolutions, and every resolution proposed was hasty, fluctuating, tumultuary; disconcerted by fear or faction, ill planned, and worse executed.

William, that his enemies might have no leisure to recover from their consternation, or unite their counsels, immediately put himself in motion after his victory, and resolved to prosecute an enterprise which nothing but celerity and vigour could render finally successful. His first attempt was against Romney, whose inhabitants he severely punished, on account of their cruel treatment of some Norman seamen and soldiers, who had been carried thither by stress of weather, or by

<sup>1</sup> Gul Pictav, p. 275. Order Vitalis, p. 502; Hoveden, p. 449. Knyghton, p. 2343

a mistake in their course (*Gul. Pictav.*, p. 204); and foreseeing that his conquest in England might still be attended with many difficulties and with much opposition, he deemed it necessary, before he should advance farther into the country, to make himself master of Dover, which would both secure him a retreat in case of adverse fortune, and afford him a safe landing-place for such supplies as might be requisite for pushing his advantages. The terror diffused by the victory at Hastings was so great, that the garrison of Dover, though numerous and well provided, immediately capitulated; and as the Normans, rushing in to take possession of the town, hastily set fire to some of the houses, William, desirous to conciliate the minds of the English by an appearance of lenity and justice, made compensation to the inhabitants for their losses (*Ibid.*)

The Norman army, being much distressed with a dysentery, was obliged to remain here eight days; but the duke on their recovery advanced with quick marches towards London, and by his approach increased the confusions which were already so prevalent in the English counsels. The ecclesiastics in particular, whose influence was great over the people, began to declare in his favour; and as most of the bishops and dignified clergymen were even then Frenchmen or Normans, the Pope's bull, by which his enterprise was avowed and hallowed, was now openly insisted on as a reason for general submission. The superior learning of those prelates, which during the Confessor's reign had raised them above the ignorant Saxons, made their opinions be received with implicit faith; and a young prince like Edgar, whose capacity was deemed so mean, was but ill qualified to resist the impression which they made on the minds of the people. A repulse which a body of Londoners received, from five hundred Norman horse, renewed in the city the terror of the great defeat at Hastings; the easy submission of all the inhabitants of Kent was an additional discouragement to them; the burning of Southwark before their eyes made them dread a like fate to their own city; and no man any longer entertained thoughts but of immediate safety and of self-preservation. Even the earls, Edwin and Morcar, in despair of making effectual resistance, retired with their troops to their own provinces; and the people thenceforth disposed themselves unanimously to yield to the victor. As soon as he passed the Thames at Wallingford, and reached Berkhamstead, Stigand, the primate, made submissions to him. Before he came within sight of the city, all the chief of the nobility, and Edgar Atheling himself, the new elected king, came into his camp, and declared their intention of yielding to his authority (*Hoveden*, p. 450, *Flor. Wigorn.*, p. 634). They requested him to mount the throne, which they now considered as vacant, and declared to him that as they had always been ruled by regal power, they desired to follow in this particular the example of their ancestors, and knew of no one more worthy than himself to hold the reins of government (*Ord. Vital.*, p. 503).

Though this was the great object to which the duke's enterprise tended, he feigned to deliberate on the offer, and being desirous at first of preserving the appearance of a legal administration, he wished to obtain a more explicit and formal consent of the English nation (*Gul. Pictav.*, p. 205). But Aimar of Aquitain, a man equally respected for

valour in the field and for prudence, in council, remonstrating with him on the danger of delay in so critical a juncture, he laid aside all further scruples, and accepted of the crown which was tendered him. Orders were immediately issued to prepare everything for the ceremony of his coronation; but as he was yet afraid to place entire confidence in the Londoners, who were numerous and warlike, he meanwhile commanded fortresses to be erected, in order to curb the inhabitants and to secure his person and government (Gul. Pict., p. 205).

Stigand was not much in the duke's favour, both because he had intruded into the see on the expulsion of Robert, the Norman, and because he possessed such influence and authority over the English (Eadmer, p. 6) as might be dangerous to a new established monarch. William, therefore, pretending that the pumate had obtained his pall in an irregular manner from Pope Benedict IX, who was himself an usurper, refused to be consecrated by him, and conferred this honour on Aldred, Archbishop of York. Westminster Abbey was the place appointed for that magnificent ceremony; the most considerable of the nobility, both English and Norman, attended the duke on this occasion (26th December); Aldred in a short speech asked the former whether they agreed to accept of William as their king, the Bishop of Constance put the same question to the latter, and both being answered with acclamations (Order. Vital, p. 503), Aldred administered to the duke the usual coronation oath, by which he bound himself to protect the Church, to administer justice, and to repress violence. He then anointed him, and put the crown upon his head.<sup>1</sup> There appeared nothing but joy in the countenance of the spectators but in that very moment there burst forth the strongest symptoms of the jealousy and animosity which prevailed between the nations, and which continually increased during the reign of this prince. The Norman soldiers who were placed without in order to guard the church, hearing the shouts within, fancied that the English were offering violence to their duke, and they immediately assaulted the populace and set fire to the neighbouring houses. The alarm was conveyed to the nobility who surrounded the prince; both English and Normans, full of apprehensions, rushed out to secure themselves from the present danger, and it was with difficulty that William himself was able to appease the tumult (Gul. Pict., p. 206; Order. Vitalis, p. 503).

The king thus possessed (A.D. 1067) of the throne by a pretended destination of King Edward, and by an irregular election of the people, but still more by force of arms, retired from London to Barking, in Essex, and there received the submissions of all the nobility who had not attended his coronation. Edric, surnamed the Forester, grand-nephew to that Edric so noted for his repeated acts of perfidy during the reigns of Ethelred and Edmond; Earl Coxo, a man famous for bravery; even Edwin and Morcar, earls of Mercia and Northumberland, with the other principal noblemen in England, came and swore fealty to him, were received into favour, and were confirmed in the possession of their estates and dignities (Gul. Pictav., p. 208; Order. Vital., p.

<sup>1</sup> Malmesbury, p. 271, says that he also promised to govern the Normans and English by equal laws, and this addition to the usual oath seems not improbable, considering the circumstances of the times.

506). Everything bore the appearance of peace and tranquillity, and William had no other occupation than to give contentment to the foreigners who had assisted him to mount the throne, and to his new subjects who had so readily submitted to him.

He had got possession of the treasure of Harold, which was considerable, and being also supplied with rich presents from the opulent men in all parts of England, who were solicitous to gain the favour of their new sovereign, he distributed great sums among his troops, and by his liberality gave them hopes of obtaining at length those more durable establishments which they had expected from his enterprise (*Gul. Pict.*, p. 206). The ecclesiastics, both at home and abroad, had much forwarded his success, and he failed not in return to express his gratitude and devotion in the manner which was most acceptable to them. He sent Harold's standard to the Pope, accompanied with many valuable presents. All the considerable monasteries and churches in France, where prayers had been put up for his success, now tasted of his bounty (*Ibid*). The English monks found him well disposed to favour their order, and he built a new convent near Hastings, which he called *Battle Abbey*, and which, on pretence of supporting monks to pray for his own soul and for that of Harold, served as a memorial of his victory.<sup>1</sup>

He introduced into England that strict execution of justice for which his administration had been much celebrated in Normandy; and even during this violent revolution every disorder or oppression met with rigorous punishment (*Gul. Pict.*, p. 208, *Order. Vital.*, p. 506). His army in particular was governed with severe discipline, and notwithstanding the insolence of victory, care was taken to give as little offence as possible to the jealousy of the vanquished. The king appeared solicitous to unite, in an amicable manner, the Normans and the English by intermarriages and alliances, and all his new subjects who approached his person were received with affability and regard. No signs of suspicion appeared, not even towards Edgar Atheling, the heir of the ancient royal family, whom William confirmed in the honours of Earl of Oxford, conferred on him by Harold, and whom he affected to treat with the highest kindness as nephew to the Confessor, his great friend and benefactor. Though he confiscated the estates of Harold, and of those who had fought in the battle of Hastings on the side of that prince whom he represented as an usurper, he seemed willing to admit of every plausible excuse for past opposition to his pretensions, and he received many into favour who had carried arms against him. He confirmed the liberties and immunities of London and the other cities of England, and appeared desirous of replacing everything on ancient establishments. In his whole administration he bore the semblance of the lawful prince, not of the conqueror; and the English began to flatter themselves that they had changed, not the form of their government, but the succession only of their sovereigns, a matter which gave them small concern. The better to reconcile his new subjects to his authority, William made a progress through some parts of England; and besides a splendid court and majestic

<sup>1</sup> *Gul. Gemet.*, p. 288, *Chron. Sax.*, p. 189; *Matt. West.*, p. 226, *Matt. Paris.*, p. 9, *Diceto.*, p. 482. This convent was freed by him from all episcopal jurisdiction. *Monast. Ang.*, tom. 1, pp. 311, 312.

presence which overawed the people, already struck with his military fame, the appearance of his clemency and justice gained the approbation of the wise, attentive to the first steps of their new sovereign.

But amidst this confidence and friendship which he expressed for the English, the king took care to place all real power in the hands of his Normans, and still to keep possession of the sword, to which he was sensible he had owed his advancement to sovereign authority. He disarmed the city of London and other places which appeared most warlike and populous; and building citadels in that capital, as well as in Winchester, Hereford, and the cities best situated for commanding the kingdom, he quartered Norman soldiers in all of them, and left nowhere any power able to resist or oppose him. He bestowed the forfeited estates on the most eminent of his captains, and established funds for the payment of his soldiers. And thus, while his civil administration carried the face of a legal magistrate, his military institutions were those of a master and tyrant; at least of one who reserved to himself, whenever he pleased, the power of assuming that formidable character.

By this mixture, however, of vigour and lenity, he had so soothed the minds of the English, that he thought he might safely revisit his native country, and enjoy the triumph and congratulation of his ancient subjects. He left the administration in the hands of his uterine brother, Odo, Bishop of Baieux, and of William Fitz Osberne. That their authority might be exposed to less danger, he carried over (March) with him all the most considerable nobility of England, who, while they served to grace his court by their presence and magnificent retinues, were in reality hostages for the fidelity of the nation. Among these were Edgar Atheling, Stigand the primate, the Earls Edwin and Morcar, Waltheof, the son of the brave Earl Siward, with others eminent for the greatness of their fortunes and families, or for their ecclesiastical and civil dignities. He was visited at the abbey of Fescamp, where he resided during some time, by Rodulph, uncle to the King of France, and by many powerful princes and nobles, who, having contributed to his enterprise, were desirous of participating in the joy and advantages of its success. His English courtiers, willing to ingratiate themselves with their new sovereign, outvied each other in equipages and entertainments; and made a display of riches which struck the foreigners with astonishment. William of Poitiers, a Norman historian (pp. 211, 212), who was present, speaks with admiration of the beauty of their persons, the size and workmanship of their silver plate, the costliness of their embroideries, an art in which the English then excelled; and he expresses himself in such terms as tend much to exalt our idea of the opulence and cultivation of the people.<sup>1</sup> But though everything bore the face of joy and festivity, and William himself treated his new courtiers with great appearance of kindness, it was impossible altogether to prevent the insolence of the Normans, and the English nobles derived little satisfaction from those entertainments, where they considered themselves as led in triumph by their ostentatious conqueror.

<sup>1</sup> As the historian chiefly insists on the silver plate, his panegyrics on the English magnificence shows only how incompetent a judge he was of the matter. Silver was then of ten times the value, and was more than twenty times more rare than at present, and consequently, of all species of luxury, plate must have been the rarest.



In England affairs took still a worse turn during the absence of the sovereign. Discontents and complaints multiplied everywhere; secret conspiracies were entered into against the government, hostilities were already begun in many places, and everything seemed to menace a revolution as rapid as that which had placed William on the throne. The historian above mentioned, who is a panegyrist of his master, throws the blame entirely on the fickle and mutinous disposition of the English, and highly celebrates the justice and lenity of Odo's and Fitz Osberne's administration (p. 212). But other historians, with more probability, impute the cause chiefly to the Normans, who, despising a people that had so easily submitted to the yoke, envying their riches, and grudging the restraints imposed upon their own rapine, were desirous of provoking them to a rebellion, by which they expected to acquire new confiscations and forfeitures, and to gratify those unbounded hopes which they had formed in entering on this enterprise (Order Vital., p. 507).

It is evident that the chief reason of this alteration in the sentiments of the English must be ascribed to the departure of William, who was alone able to curb the violence of his captains, and to overawe the mutinies of the people. Nothing indeed appears more strange than that this prince, in less than three months after the conquest of a great, warlike, and turbulent nation, should absent himself in order to revisit his own country, which remained in profound tranquility, and was not menaced by any of its neighbours; and should so long leave his jealous subjects at the mercy of an insolent and licentious army. Were we not assured of the solidity of his genius and the good sense displayed in all other circumstances of his conduct, we might ascribe this measure to a vain ostentation which rendered him impatient to display his pomp and magnificence among his ancient subjects. It is therefore more natural to believe that in so extraordinary a step he was guided by a concealed policy; and that though he had thought proper at first to allure the people to submission by the semblance of a legal administration, he found that he could neither satisfy his rapacious captains, nor secure his unstable government, without further exerting the rights of conquest, and seizing the possessions of the English. In order to have a pretext for this violence, he endeavoured without discovering his intentions, to provoke and allure them into insurrections, which he thought could never prove dangerous, while he detained all the principal nobility in Normandy, while a great and victorious army was quartered in England, and while he himself was so near to suppress any rebellion. But as no ancient writer has ascribed this tyrannical purpose to William, it scarcely seems allowable, from conjecture alone, to throw such an imputation upon him.

But whether we are to account for that measure from the king's vanity or from his policy, it was the immediate cause of all the calamities which the English endured during this and the subsequent reigns, and gave rise to those mutual jealousies and animosities between them and the Normans, which were never appeased till a long tract of time had gradually united the two nations, and made them one people. The inhabitants of Kent, who had first submitted to the Conqueror, were the first that attempted to throw off the yoke; and in confederacy

with Eustace, Count of Boulogne, who had also been disgusted by the Normans, they made an attempt, though without success, on the garrison of Dover.<sup>1</sup> Edric, the Forester, whose possessions lay on the banks of the Severn, being provoked at the depredations of some Norman captains in his neighbourhood, formed an alliance with Blethyn and Rowallan, two Welsh princes, and endeavoured with their assistance, to repel force by force.<sup>2</sup> But though these open hostilities were not very considerable, the disaffection was general among the English, who had become sensible, though too late, of their defenceless condition, and began already to experience those insults and injuries which a nation must always expect that allows itself to be reduced to that abject situation. A secret conspiracy was entered into to perpetrate in one day a general massacre of the Normans, like that which had formerly been executed upon the Danes; and the quarrel was become so national, that the vassals of Earl Coseo, having desired him to head them in an insurrection, and finding him resolute in maintaining his fidelity to William, put him to death as a traitor to his country.

The king, informed of these dangerous discontents (Dec. 6), hastened over to England, and by his presence and the vigorous measures which he pursued, disconcerted all the schemes of the conspirators. Such of them as had been more violent in their mutiny, betrayed their guilt by flying or concealing themselves; and the confiscation of their estates, while it increased the number of malcontents, both enabled William to gratify further the rapacity of his Norman captains, and gave them the prospect of new forfeitures and attainders. The king began to regard all his English subjects as inveterate and irreclaimable enemies, and thenceforth either embraced or was more fully confirmed in the resolution of seizing their possessions and of reducing them to the most abject slavery. Though the natural violence and severity of his temper made him incapable of feeling any remorse in the execution of this tyrannical purpose, he had art enough to conceal his intention and to preserve still some appearance of justice in his oppressions. He ordered all the English who had been arbitrarily expelled by the Normans during his absence to be restored to their estates.<sup>3</sup> But at the same time he imposed a general tax on the people, that of Danegelt, which had been abolished by the Confessor, and which had always been extremely odious to the nation.<sup>4</sup>

As the vigilance of William overawed the malcontents, their insurrections were more the result of an impatient humour in the people, than of any regular conspiracy which could give them a rational hope of success against the established power of the Normans. The inhabitants of Exeter, instigated by Githa, mother to King Harold, refused to admit a Norman garrison, and, betaking themselves to arms, were strengthened by the accession of the neighbouring inhabitants of Devonshire and Cornwall (Order Vital., p. 510). The king hastened with his forces to chastise this revolt, and on his approach, the wiser

<sup>1</sup> Gul Gemet, p. 289, Order Vital, p. 508, Anglia Sacra, vol. 1, p. 245

<sup>2</sup> Hoveden, p. 450, M. West, p. 226, Sim. Dunelm, p. 197.

<sup>3</sup> Chron Sax., p. 173. This fact is a full proof that the Normans had committed great injustice, and were the real cause of the insurrection of the English.

<sup>4</sup> Hoveden, p. 450, Sim. Dunelm, p. 197, Alur. Beverl, p. 127.

and more considerable citizens, sensible of the unequal contest, persuaded the people to submit and to deliver hostages for their obedience. A sudden mutiny of the populace broke this agreement, and William appearing before the walls ordered the eyes of one of the hostages to be put out as an earnest of that severity which the rebels must expect if they persevered in their revolt (Order. Vital, p. 510). The inhabitants were anew seized with terror, and surrendering at discretion, threw themselves at the king's feet, and supplicated his clemency and forgiveness. William was not destitute of generosity when his temper was not hardened either by policy or passion. He was prevailed on to pardon the rebels, and he set guards on all the gates in order to prevent the rapacity and insolence of his soldiery (Ibid.). Githa escaped with her treasures to Flanders. The malcontents of Cornwall imitated the example of Exeter, and met with like treatment; and the king, having built a citadel in that city, which he put under the command of Baldwin, son of Earl Gilbert, returned to Winchester and dispersed his army into their quarters. He was here joined by his wife Matilda, who had not before visited England, and whom he now ordered to be crowned by Archbishop Aldred. Soon after she brought him an accession to his family by the birth of a fourth son, whom he named Henry. His three elder sons, Robert, Richard, and William, still residing in Normandy.

But though the king appeared thus fortunate, both in public and domestic life, the discontents of his English subjects augmented daily; and the injuries committed and suffered on both sides rendered the quarrel between them and the Normans absolutely incurable. The insolence of victorious masters dispersed throughout the kingdom seemed intolerable to the natives; and wherever they found the Normans separate or assembled in small bodies, they secretly set upon them, and gratified their vengeance by the slaughter of their enemies. But an insurrection in the North drew thither the general attention, and seemed to threaten more important consequences. Edwin and Morcar appeared at the head of this rebellion; and these potent noblemen, before they took arms, stipulated for foreign succours from their nephew Blethin, Prince of North Wales, from Malcolm, King of Scotland, and from Sweyn, King of Denmark. Besides the general discontent which had seized the English, the two earls were incited to this revolt by private injuries. William, in order to ensure them to his interests, had, on his accession, promised his daughter in marriage to Edwin; but either he had never seriously intended to perform this engagement, or having changed his plan of administration in England from clemency to rigour, he thought it was to little purpose if he gained one family while he enraged the whole nation. When Edwin, therefore, renewed his applications he gave him an absolute denial (Order. Vital, p. 511), and this disappointment, added to so many other reasons of disgust, induced that nobleman and his brother to concur with their incensed countrymen, and to make one general effort for the recovery of their ancient liberties. William knew the importance of celerity in quelling an insurrection supported by such powerful leaders, and so agreeable to the wishes of the people; and having his troops always in readiness he advanced by great journeys to the North. On his march

he gave orders to fortify the castle of Warwick, of which he left Henry de Beaumont governor, and that of Nottingham, which he committed to the custody of William Peverill, another Norman captain (Order. Vital, p 511). He reached York before the rebels were in any condition of resistance, or were joined by any of the foreign succours which they expected, except a small reinforcement from Wales (Ibid.); and the two earls found no means of safety but having recourse to the clemency of the victor. Archil, a potent nobleman in those parts, imitated their example, and delivered his son as a hostage for his fidelity (Ibid.); nor were the people, thus deserted by their leaders, able to make any further resistance. But the treatment which William gave the chiefs was very different from that which fell to the share of their followers. He observed religiously the terms which he had granted to the former, and allowed them for the present to keep possession of their estates; but he extended the rigours of his confiscations over the latter, and gave away their lands to his foreign adventurers. These, planted throughout the whole country, and in possession of the military power, left Edwin and Morcar, whom he pretended to spare, destitute of all support, and ready to fall whenever he should think proper to command their ruin. A peace, which he made with Malcolm, who did him homage for Cumberland, seemed at the same time to deprive them of all prospect of foreign assistance (Ibid.).

The English were now sensible that their final destruction was intended, and that instead of a sovereign whom they had hoped to gain by their submissions, they had tamely surrendered themselves, without resistance, to a tyrant and a conqueror. Though the early confiscation of Harold's followers might seem iniquitous, being inflicted on men who had never sworn fealty to the Duke of Normandy, who were ignorant of his pretensions, and who only fought in defence of the government which they themselves had established in their own country. yet were these rigours, however contrary to the ancient Saxon laws, excused on account of the urgent necessities of the prince; and those who were not involved in the present ruin hoped that they should henceforth enjoy without molestation their possessions and their dignities. But the successive destruction of so many other families convinced them that the king intended to rely entirely on the support and affections of foreigners; and they foresaw new forfeitures, attainders, and acts of violence, as the necessary result of this destructive plan of administration. They observed that no Englishman possessed his confidence, or was entrusted with any command or authority, and that the strangers, whom a rigorous discipline could have but ill restrained, were encouraged in their insolence and tyranny against them. The easy submission of the kingdom on its first invasion had exposed the natives to contempt, the subsequent proofs of their animosity and resentment had made them the object of hatred, and they were now deprived of every expedient by which they could hope to make themselves either regarded or beloved by their sovereign. Impressed with the sense of this dismal situation, many Englishmen fled into foreign countries, with an intention of passing their lives abroad free from oppression, or of returning on a favourable opportunity to assist their friends in the recovery of their native liberties<sup>1</sup> Edgar Atheling himself, dread-

<sup>1</sup> Order Vital, p 508, M West, p 225 M Paris, p 4, Sim Dun, p 197

ing the insidious caresses of William, was persuaded by Cospatric, a powerful Northumbrian, to escape with him into Scotland; and he carried thither his two sisters, Margaret and Christina. They were well received by Malcolm, who soon after espoused Margaret, the elder sister; and partly with a view of strengthening his kingdom by the accession of so many strangers, partly in hopes of employing them against the growing power of William, he gave great countenance to all the English exiles. Many of them settled there; and laid the foundation of families which afterwards made a figure in that country.

While the English suffered under these oppressions, even the foreigners were not much at their ease, but finding themselves surrounded on all hands by enraged enemies, who took every advantage against them, and menaced them with still more bloody effects of the public resentment, they began to wish again for the tranquillity and security of their native country. Hugh de Grentmesnil and Humphrey de Telio, though entrusted with great commands, desired to be dismissed the service, and some others imitated their example, a desertion which was highly resented by the king, and which he punished by the confiscation of all their possessions in England (Order Vitalis, p. 512). But William's bounty to his followers could not fail of alluring many new adventurers into his service, and the rage of the vanquished English served only to excite the attention of the king and those warlike chiefs, and keep them in readiness to suppress every commencement of domestic rebellion or foreign invasion.

It was not long before they found occupation for their prowess and military conduct. Godwin, Edmond, and Magnus, three sons of Harold, had immediately after the defeat at Hastings sought a retreat in Ireland, where having met with a kind reception from Dermot and other princes of that country, they projected an invasion on England, and they hoped that all the exiles from Denmark, Scotland, and Wales, assisted by forces from these several countries, would at once commence hostilities, and rouse the indignation of the English against their haughty conquerors. They landed (A.D. 1069) in Devonshire; but found Brian, son of the Count of Brittany, at the head of some foreign troops, ready to oppose them, and being defeated in several actions, they were obliged to retreat to their ships, and to return with great loss to Ireland<sup>1</sup>. The efforts of the Normans were now directed to the North, where affairs had fallen into the utmost confusion. The more impatient of the Northumbrians had attacked Robert de Comyn, who was appointed governor of Durham; and gaining the advantage over him from his negligence, they put him to death in that city, with seven hundred of his followers.<sup>2</sup> This success animated the inhabitants of York, who, rising in arms, slew Robert Fitz-Richard their governor (Order Vital, p. 512), and besieged in the castle William Mallett, on whom the command now devolved. A little after, the Danish troops landed from 300 vessels. Osberne, brother to King Sweyn, was entrusted with the command of these forces, and he was accompanied by Harold and Canute, two sons of that monarch.

<sup>1</sup> Gul. Gemet, p. 290; Order Vital, p. 513, *Anglia Sacra*, vol. i., p. 246.

<sup>2</sup> Order Vital, p. 512, *Chron. de Mailr.*, p. 116, *Hoveden*, p. 450, *H. Paris*, p. 5; *Sim. Dun.*, p. 198.

Edgar Atheling appeared from Scotland, and brought along with him Cospatric, Waltheof, Siward, Bearn, Merleswain, Adelín, and other leaders, who partly from the hopes which they gave of Scottish succours, partly from their authority in those parts, easily persuaded the warlike and discontented Northumbrians to join the insurrection. Mallett, that he might better provide for the defence of the citadel of York, set fire to some houses which lay contiguous; but this expedient proved the immediate cause of his destruction. The flames, spreading into the neighbouring streets, reduced the whole city to ashes. The enraged inhabitants, aided by the Danes, took advantage of the confusion to attack the castle, which they carried by assault; and the garrison, to the number of 3000 men, was put to the sword without mercy (Order. Vital, p. 513; Hoveden, p. 451).

This success proved a signal to many other parts of England, and gave the people an opportunity of showing their malevolence to the Normans. Hereward, a nobleman in East-Anglia, celebrated for valour, assembled his followers, and taking shelter in the Isle of Ely, made inroads on all the neighbouring country<sup>1</sup>. The English in the counties of Somerset and Dorset rose in arms, and assaulted Montacute, the Norman governor; while the inhabitants of Cornwall and Devon invested Exeter, which from the memory of William's clemency still remained faithful to him. Edric the Forester, calling in the assistance of the Welsh, laid siege to Shrewsbury, and made head against Earl Briant and Fitz-Osborne, who commanded in those quarters (Order Vital, p. 514). The English everywhere repenting their former easy submission, seemed now determined to make by concert one great effort for the recovery of their liberties, and for the expulsion of their oppressors.

William, undismayed amidst this scene of confusion, assembled his forces, and animating them with the prospect of new confiscations and forfeitures, he marched against the rebels in the North, whom he regarded as the most formidable, and whose defeat he knew would strike a terror into all the other malcontents. Joining policy to force, he tried before his approach to weaken the enemy by detaching the Danes from them, and he engaged Osborne by large presents, and by offering him the liberty of plundering the sea coast, to retire without committing further hostilities into Denmark<sup>2</sup>. Cospatric also, in despair of success, made his peace with the king, and paying a sum of money as an atonement for his insurrection, was received into favour, and even invested with the earldom of Northumberland. Waltheof, who long defended York with great courage, was allured with this appearance of clemency; and as William knew how to esteem valour even in an enemy, that nobleman had no reason to repent of this confidence (Malm, p. 104; H Hunt, p. 369). Even Edric, compelled by necessity, submitted to the conqueror, and received forgiveness, which was soon after followed by some degree of trust and favour. Malcolm, coming too late to support his confederates, was constrained to retire; and all the English rebels in other parts, except Hereward, who still kept in his fastnesses, dispersed themselves, and left the Normans

<sup>1</sup> Ingulf, p. 71, Chron Abb St Petri de Burgo, p. 47

<sup>2</sup> Hoveden, p. 451, Chron Abb St. Petri de Burgo, p. 47, Sim. Dun, p. 190.

undisputed masters of the kingdom. Edgar Atheling, with his followers, sought a retreat in Scotland from the pursuit of his enemies.

But the seeming clemency of William towards the English leaders proceeded only from artifice, or from his esteem of individuals; his heart was hardened against all compassion towards the people, and he scrupled no measure, however violent or severe, which seemed requisite to support his plan of tyrannical administration. Sensible of the restless disposition of the Northumbrians, he determined to incapacitate them ever after from giving him disturbance; and he issued orders for laying entirely waste that fertile country which, for the extent of sixty miles, lies between the Humber and the Tees<sup>1</sup>. The houses were reduced to ashes by the merciless Normans; the cattle seized and driven away; the instruments of husbandry destroyed, and the inhabitants compelled either to seek for a subsistence in the southern parts of Scotland, or if they lingered in England from a reluctance to abandon their ancient habitations, they perished miserably in the woods from cold and hunger. The lives of a hundred thousand persons are computed to have been sacrificed to this stroke of barbarous policy (Oder. Vital, p. 515), which, by seeking a remedy for a temporary evil, thus inflicted a lasting wound on the power and the populousness of the nation.

But William, finding himself entirely master of a people who had given him such sensible proofs of their impotent rage and animosity, now resolved to proceed to extremities against all the natives of England, and to reduce them to a condition in which they should no longer be formidable to his government. The insurrections and conspiracies in so many parts of the kingdom had involved the bulk of the landed proprietors, more or less, in the guilt of treason, and the king took advantage of executing against them with the utmost rigour the laws of forfeiture and attainder. Their lives were indeed commonly spared, but their estates were confiscated, and either annexed to the royal demesnes, or conferred with the most profuse bounty on the Normans and other foreigners (Malm, p. 104). While the king's declared intention was to depress, or rather entirely extirpate, the English gentry (H. Hunt, p. 370), it is easy to believe that scarcely the form of justice would be observed in those violent proceedings,<sup>2</sup> and that any suspicions served as the most undoubted proofs of guilt against a people thus devoted to destruction. It was crime sufficient in an Englishman to be opulent or noble or powerful, and the policy

<sup>1</sup> Chron. Sax., p. 174, Ingulf, p. 79, Malm, p. 103, Hoveden, p. 451, Chron. Abb. St. Petri de Burgo, p. 47, M. Paris, p. 5, Sim. Dun., p. 199, Brompton, p. 966, Knyghton, p. 2344, Anglia Sacra, vol. 1, p. 702.

<sup>2</sup> There is a paper or record of the family of Sharnborne, which pretends that that family, which was Saxon, was restored upon proving their innocence, as well as other Saxon families which were in the same situation. Though this paper was able to impose on such great antiquaries as Spelman (Gloss. in verbo *Drenges*), and Dugdale (Baron, vol. 1, p. 118), it is proved by Dr. Brady (Answ. to Petyt, pp. 11, 12), to have been a forgery, and is allowed as such by Tytel, though a pertinacious defender of his party notions (Hist., vol. II., introd. pp. 51, 73). Ingulf, p. 70, tells us, that very early Hereward, though absent during the time of the Conquest, was turned out of all his estate, and could not obtain redress. William even plundered the monasteries. Flor. Wigorn., p. 636; Chron. Abb. St. Petri de Burgo, p. 48; M. Paris, p. 5; Sim. Dun., p. 200, Diceto, p. 482, Brompton, p. 967, Knyghton, p. 2344; Alur. Beverl., p. 130. We are told by Ingulf, that Ivo de Taillebois plundered the monastery of Croyland of a great part of its land, and no redress could be obtained.

of the king concurring with the rapacity of foreign adventurers produced almost a total revolution in the landed property of the kingdom. Ancient and honourable families were reduced to beggary; the nobles themselves were everywhere treated with ignominy and contempt; they had the mortification of seeing their castles and manors possessed by Normans of the meanest birth and lowest stations (Order. Vitalis, p. 521; and they found themselves carefully excluded from every road which led either to riches or preferment.<sup>1</sup>

As power naturally follows property, this revolution alone gave great security to the foreigners; but William, by the new institutions which he established, took also care to retain for ever the military authority in those hands which had enabled him to subdue the kingdom. He introduced into England the feudal law which he found established in France and Normandy, and which, during that age, was the foundation both of the stability and of the disorders in most of the monarchical governments of Europe. He divided all the lands of England, with very few exceptions, beside the royal demesnes, into baronies; and he conferred these, with the reservation of stated services and payments, on the most considerable of his adventurers. These great barons, who held immediately of the crown, shared out a great part of their lands to other foreigners who were denominated knights or vassals, and who paid their lord the same duty and submission in peace and war which he himself owed to his sovereign. The whole kingdom contained about 700 chief tenants, and 60,215 knights-fees,<sup>2</sup> and as none of the native English were admitted into the first rank, the few who retained their landed property were glad to be received into the second, and, under the protection of some powerful Norman, to load themselves and their posterity with this grievous burden, for estates which they had received free from their ancestors.<sup>3</sup> The small mixture of English which entered into this civil or military fabric (for it partook of both species), was so restrained by subordination under the foreigners, that the Norman dominion seemed to be fixed on the most durable basis and to defy all the efforts of its enemies.

The better to unite the parts of the government, and to bind them into one system which might serve both for defence against foreigners and for the support of domestic tranquillity, William reduced the ecclesiastical revenues under the same feudal law; and though he had courted the Church on his invasion and accession, he now subjected it to services which the clergy regarded as a grievous slavery, and as totally unbefitting their profession. The bishops and abbots were obliged, when required, to furnish to the king, during war, a number of knights or military tenants, proportioned to the extent of property possessed by each see or abbey, and they were, liable, in case of failure, to the same penalties which were exacted from the laity (M. Paris, p. 5;

<sup>1</sup> The obliging of all the inhabitants to put out the fire and lights at certain hours, upon the sounding of a bell called the *courfeu*, is represented by Polydore Virgil, lib. ix, as a mark of the servitude of the English. But this was a law of policy which William had previously established in Normandy. Du Moulin, Hist. de Normandie, p. 160. The same law had place in Scotland. LL. Burgoi, cap. 86.

<sup>2</sup> Order Vital, p. 523. Secret Abbatis, apud Selden, Titles of Honour, p. 573. Spelm. Gloss. in verbo *Feodum*, Sir Rob. Cotton.

<sup>3</sup> M. West, p. 225. M. Paris, p. 4. Bracton, lib. 1, cap. 11, num. 1, Fleta, lib. 1, cap. 8, num. 7.



*Angha Sacra*, vol. i., p. 248). The Pope and the ecclesiastics exclaimed against this tyranny, as they called it; but the king's authority was so well established over the army, who held everything from his bounty, that superstition itself, even at that age when it was most prevalent, was constrained to bend under his superior influence.

But as the great body of the clergy were still natives, the king had much reason to dread the effects of their resentment; he therefore used the precaution of expelling the English from all the considerable dignities, and of advancing foreigners in their place. The partiality of the Confessor towards the Normans had been so great that, aided by their superior learning, it had promoted them to many of the sees in England; and even before the period of the Conquest, scarcely more than six or seven of the prelates were natives of the country. But among these was Stigand, Archbishop of Canterbury; a man, who by his address and vigour, by the greatness of his family and alliances, by the extent of his possessions, as well as the dignity of his office, and his authority among the English, gave jealousy to the king (Parker, p. 161). Though William had on his accession afforded this prelate by employing the Archbishop of York to officiate at his consecration, he was careful on other occasions to load him with honours and caresses, and to avoid giving him farther offence, till the opportunity should offer of effecting his final destruction (*Ibid.*, p. 164). The suppression of the late rebellions, and the total subjection of the English, made him hope that an attempt against Stigand, however violent, would be covered by his great successes, and be overlooked amidst the other important revolutions which affected so deeply the property and liberty of the kingdom. Yet notwithstanding these great advantages, he did not think it safe to violate the reverence paid to the primate, but under cover of a new superstition, which he was the great instrument of introducing into England.

The doctrine which exalted the papacy above all human power had gradually diffused itself from the city and court of Rome, and was, during that age, much more prevalent in the southern than in the northern kingdoms of Europe. Pope Alexander, who had assisted William in his conquests, naturally expected that the French and Normans would import into England the same reverence for his sacred character with which they were impressed in their own country; and would break the spiritual as well as civil independency of the Saxons, who had hitherto conducted the ecclesiastical government, with an acknowledgment indeed of primacy in the see of Rome, but without much idea of its title to dominion or authority. As soon (A.D. 1070), therefore, as the Norman prince seemed fully established on the throne, the Pope dispatched Ermenfroy, Bishop of Sion, as his legate, into England, and this prelate was the first that had ever appeared in that character in any part of the British islands. The king, though he was probably led by principle to pay this submission to Rome, determined, as is usual, to employ the incident as a means of serving his political purposes, and of degrading those English prelates who were become obnoxious to him. The legate submitted to become the instrument of his tyranny, and thought that the more violent the exertion of power, the more certain did it confirm the

authority of that court from which he derived his commission. He summoned, therefore, a council of the prelates and abbots at Winchester; and being assisted by two cardinals, Peter and John, he cited before him Stigand, Archbishop of Canterbury, to answer for his conduct. The primate was accused of three crimes—the holding of the see of Winchester together with that of Canterbury; the officiating in the pall of Robert, his predecessor; and the having received his own pall from Benedict IX., who was afterwards deposed for simony, and for intrusion into the papacy.<sup>1</sup> These crimes of Stigand were mere pretences; since the first had been a practice not unusual in England, and was never anywhere subjected to a higher penalty than a resignation of one of the sees, the second was a pure ceremonial, and as Benedict was the only Pope who then officiated, and his acts were never repealed, all the prelates of the Church, especially those who lay at a distance, were excusable for making their applications to him. Stigand's ruin, however was resolved on, and was prosecuted with great severity. The legate degraded him from his dignity; the king confiscated his estate, and cast him into prison, where he continued in poverty and want during the remainder of his life. Like rigour was exercised against the other English prelates; Agelric, Bishop of Selesey, and Agelmare, of Elmham, were deposed by the legate, and imprisoned by the king. Many considerable abbots shared the same fate; Egelwin, Bishop of Durham, fled the kingdom; Wulstan, of Worcester, a man of an inoffensive character, was the only English prelate that escaped the general proscription,<sup>2</sup> and remained in possession of his dignity. Aldred, Archbishop of York, who had set the crown on William's head, had died a little before of grief and vexation, and had left his malediction to that prince on account of the breach of his coronation oath, and of the tyranny with which he saw he was determined to treat his English subjects (*Malm. de gest. Pont.*, p. 154.)

It was a fixed maxim in this reign, as well as in some of the subsequent, that no native of the island should ever be advanced to any dignity, ecclesiastical, civil, or military (*Ingulf*, pp. 70, 71). The king, therefore, upon Stigand's deposition, promoted Lanfranc, a Milanese monk, celebrated for his learning and piety, to the vacant see. This prelate was rigid in defending the prerogatives of his station, and after a long process before the Pope, he obliged Thomas, a Norman monk, who had been appointed to the see of York, to acknowledge the primacy of the Archbishop of Canterbury. Where ambition can be so happy as to cover its enterprises, even to the person himself, under the appearance of principle, it is the most incurable and inflexible of all human passions. Hence Lanfranc's zeal in promoting the interests of the papacy, by which he himself augmented his own authority, was indefatigable, and met with proportionable success.

<sup>1</sup> Hoveden, p. 453, Diceto, p. 482, Knyghton, p. 2345; *Anglia Sacra*, vol. 1, pp. 5, 6, *Ypod. Neust.*, p. 438.

<sup>2</sup> Brompton relates, that Wulstan was also deprived by the synod, but refusing to deliver his pastoral staff to any but the person from whom he first received it, he went immediately to King Edward's tomb, and struck the staff so deeply into the stone, that none but himself was able to pull it out, upon which he was allowed to keep his bishopric. This instance may serve, instead of many, as a specimen of the monkish miracles—see also the *Annals of Burton*, p. 234.

The devoted attachment to Rome continually increased in England, and being favoured by the sentiments of the conquerors, as well as by the monastic establishments formerly introduced by Edred and Edgar, it soon reached the same height at which it had, during some time, stood in France and Italy.<sup>1</sup> It afterwards went much farther, being favoured by that very remote situation which had at first obstructed its progress; and being less checked by knowledge and a liberal education, which were still somewhat more uncommon than in the southern countries of Europe.

The prevalence of this superstitious spirit became dangerous to some of William's successors, and incommodious to the most of them: but the arbitrary sway of this king over the English, and his extensive authority over the foreigners, kept him from feeling any immediate inconveniences from it. He retained the Church in great subjection, as well as his lay subjects; and would allow none, of whatever character, to dispute his sovereign will and pleasure. He prohibited his subjects from acknowledging any one for Pope whom he himself had not previously received, he required that all the ecclesiastical canons, voted in any synod, should first be laid before him, and be ratified by his authority. Even bulls or letters from Rome could not legally be produced till they received the same sanction; and none of his ministers or barons, whatever offences they were guilty of, could be subjected to spiritual censures, till he himself had given his consent to their excommunication (Eadmer, p. 6). These regulations were worthy of a sovereign, and kept united civil and ecclesiastical powers which the principles, introduced by this prince himself, had an immediate tendency to separate.

But the English had the cruel mortification to find that their king's authority, however acquired, or however extended, was all employed in their oppression; and that the scheme of their subjection, attended with every circumstance of insult and indignity (Order. Vital., p. 523; H. Hunt, p. 370), was deliberately formed by the prince, and wantonly prosecuted by his followers (Ingulf, p. 71). William had even entertained the difficult project of totally abolishing the English language; and for that purpose he ordered that in all schools throughout the kingdom the youth should be instructed in the French tongue, a practice which was continued from custom till after the reign of Edward III., and was never indeed totally discontinued in England. The pleadings in the supreme courts of judicature were in French,<sup>2</sup> the deeds were often drawn in the same language; the laws were composed in that idiom (Chron. Rothom., A.D. 1066). No other language was used at court; it became the language of all fashionable company: and the English themselves, ashamed of their own country, affected to excel in that foreign dialect. From this intention of William, and from the extensive foreign dominions long annexed to the crown of England, proceeded that mixture of French, which is at present to be found in the English tongue, and which composes the greatest and best part of our

<sup>1</sup> M. West, p. 228. Lanfranc wrote in defence of the real presence against Berengarius; and in those ages of stupidity and ignorance, he was greatly applauded for that performance.

<sup>2</sup> 36 Ed. III., cap. 15, Selden Spicileg. ad Eadmer, p. 189, *Fœdericus de laud. leg. Angl.*, cap. 48.

language. But amidst those endeavours to depress the English nation, the king, moved by the remonstrances of some of his prelates, and by the earnest desires of the people, restored a few of the laws of King Edward;<sup>1</sup> which, though seemingly of no great importance towards the protection of general liberty, gave them extreme satisfaction, as a memorial of their ancient government, and an unusual mark of compliance in their imperious conquerors.<sup>2</sup>

The situation of the two great earls, Morcar and Edwin, became now very disagreeable. Though they had retained their allegiance during this general insurrection of their countrymen, they had not gained the king's confidence, and they found themselves exposed to the malignity of the courtiers, who envied them on account of their opulence and greatness, and at the same time involved them in that general contempt which they entertained for the English. Sensible that they had entirely lost their dignity, and could not even hope to remain long in safety, they determined, though too late, to share the same fate with their countrymen. While Edwin retired to his estate in the North, with a view of commencing an insurrection, Morcar (A.D. 1071) took shelter in the Isle of Ely with the brave Hereward, who, secured by the inaccessible situation of the place, still defended himself against the Normans. But this attempt served only to accelerate the ruin of the few English who had hitherto been able to preserve their rank or fortune during the past convulsions. William employed all his endeavours to subdue the Isle of Ely, and having surrounded it with flat-bottomed boats, and made a causeway through the morasses to the extent of two miles, he obliged the rebels to surrender at discretion. Hereward alone forced his way, sword in hand, through the enemy, and still continued his hostilities by sea against the Normans; till at last, William, charmed with his bravery, received him into favour, and restored him to his estate. Earl Morcar, and Egelwin, Bishop of Durham, who had joined the malcontents, were thrown into prison, and the latter soon after died in confinement. Edwin, attempting to make his escape into Scotland, was betrayed by some of his followers, and was killed by a party of Normans, to the great affliction of the English, and even to that of William, who paid a tribute of generous tears to the memory of this gallant and beautiful youth. The King of Scotland, in hopes of profiting by these convulsions, had fallen upon the northern counties, but on the approach of William he retired, and when the king entered his country, he was glad to make peace, and to pay the usual homage to the English crown. To complete the king's prosperity, Edgar Atheling himself, despairing of success, and weary of a fugitive life, submitted to his enemy; and, receiving a

<sup>1</sup> Ingulf, p. 88, Brompton, p. 982, Knyghton, p. 2355, Hoveden, p. 600

<sup>2</sup> What these laws were of Edward the Confessor, which the English every reign during a century and a half, desired so passionately to have restored, is much disputed by antiquarians; and our ignorance of them seems one of the greatest defects in the ancient English history. The collection of laws in Wilkins, which pass under the name of Edward, are plainly a posterior and an ignorant compilation. Those to be found in Ingulf are genuine, but so imperfect, and contain so few clauses favourable to the subject, that we see no great reason for their contending for them so vehemently. It is probable that the English meant the *common law*, as it prevailed during the reign of Edward, which we may conjecture to have been more indulgent to liberty than the Norman constitutions. The most material articles of it were afterwards comprehended in Magna Charta.

decent pension for his subsistence, was permitted to live in England unmolested. But these acts of generosity towards the leaders were disgraced, as usual, by William's rigour against the inferior malcontents. He ordered the hands to be lopped off, and the eyes to be put out of many of the prisoners whom he had taken in the Isle of Ely; and he dispersed them in that miserable condition throughout the country, as monuments of his severity.

The province of Maine, in France, had (A. D. 1073), by the will of Herbert, the last count, fallen under the dominion of William some years before his conquest in England; but the inhabitants, disaffected with the Norman government, and instigated by Fulk, Count of Anjou, who had some pretensions to the succession, now rose in rebellion, and expelled the magistrates whom the king had placed over them. The full settlement of England afforded him leisure to punish this insult on his authority; but being unwilling to remove his Norman forces from this island, he carried over a considerable army, composed almost entirely of English, and joining them to some troops levied in Normandy, he entered the revolted province. The English appeared ambitious of distinguishing themselves on this occasion, and of retrieving that character of valour which had long been national among them, but which their late easy subjection under the Normans had somewhat degraded and obscured. Perhaps, too, they hoped that by their zeal and activity they might recover the confidence of their sovereign, as their ancestors had formerly, by like means, gained the affections of Canute, and might conquer his prejudices in favour of his own countrymen. The king's military conduct, seconded by these brave troops, soon overcame all opposition in Maine: the inhabitants were obliged to submit, and the Count of Anjou relinquished his pretensions.

But, during these transactions, the government of England was greatly disturbed, and that too by those very foreigners who owed everything to the king's bounty, and who were the sole object of his friendship and regard. The Norman barons, who had engaged with their duke in the conquest of England, were men of the most independent spirit; and though they obeyed their leader in the field, they would have regarded with disdain the richest acquisitions, had they been required in return to submit in their civil government to the arbitrary will of one man. But the imperious character of William, encouraged by his absolute dominion over the English, and often impelled by the necessity of his affairs, had prompted him to stretch his authority over the Normans themselves beyond what the free genius of that victorious people could easily bear. The discontents were become general among those haughty nobles; and even Roger, Earl of Hereford, son and heir of Fitz-Osborne, the king's chief favourite, was strongly infected with them. This nobleman, intending to marry his sister to Ralph de Guader, Earl of Norfolk, had thought it his duty to inform the king of his purpose, and to desire the royal consent; but meeting with a refusal, he proceeded nevertheless to complete the nuptials, and assembled all his friends, and those of Guader, to attend the solemnity. The two earls, disgusted by the denial of their request, and dreading William's resentment for their disobedience, had prepared measures for a revolt; and during the gaiety of the festival, while the company was

heated with wine, they opened the design to their guests. They inveighed against the arbitrary conduct of the king; his tyranny over the English, whom they affected on this occasion to commiserate; his imperious behaviour to his barons of the noblest birth; and his apparent intention of reducing the victors and the vanquished to a like ignominious servitude. Amidst their complaints, the indignity of submitting to a bastard<sup>1</sup> was not forgotten; the certain prospect of success in a revolt, by the assistance of the Danes and the discontented English, was insisted on; and the whole company, inflamed with the same sentiments, and warmed by the jollity of the entertainment, entered by a solemn engagement into the design of shaking off the royal authority. Even Earl Waltheof, who was present, most inconsiderately expressed his approbation of the conspiracy, and promised his concurrence towards its success.

This nobleman, the last of the English who, for some generations, possessed any power or authority, had, after his capitulation at York, been received into favour by the Conqueror; had even married Judith, niece to that prince; and had been promoted to the earldoms of Huntingdon and Northampton (Order. Vital, p. 522; Hoveden, p. 454). Cospatric, Earl of Northumberland, having, on some new disgust from William, retired into Scotland, where he received the earldom of Dunbar from the bounty of Malcolm; Waltheof was appointed his successor in that important command, and seemed still to possess the confidence and friendship of his sovereign (Sim. Dun., p. 205). But as he was a man of generous principles, and loved his country, it is probable that the tyranny exercised over the English lay heavy upon his mind, and destroyed all the satisfaction which he could reap from his own grandeur and advancement. When a prospect, therefore, was opened of retrieving their liberty, he hastily embraced it; while the fumes of the liquor and the ardour of the company prevented him from reflecting on the consequences of that rash attempt. But after his cool judgment returned, he foresaw that the conspiracy of those discontented barons was not likely to prove successful against the established power of William; or if it did, that the slavery of the English, instead of being alleviated by that event, would become more grievous under a multitude of foreign leaders, factious and ambitious, whose union and whose discord would be equally oppressive to the people. Tormented with these reflections, he opened his mind to his wife Judith, of whose fidelity he entertained no suspicion, but who, having secretly fixed her affections on another, took this opportunity of ruining her easy and credulous husband. She conveyed intelligence of the conspiracy to the king, and aggravated every circumstance which she believed would tend to incense him against Waltheof, and render him absolutely implacable (Order. Vital, p. 536). Meanwhile, the earl, still dubious with regard to the part which he should act, discovered the secret in confession to Lanfranc, on whose probity and judgment he had a great reliance. He was persuaded by the prelate that he owed no fidelity to those rebellious barons who had by surprise gained his consent to a crime; that his first duty was to his sovereign and benefactor, his next

<sup>1</sup> William was so little ashamed of his birth, that he assumed the appellation of bastard in some of his letters and charters. Spelm. Gloss. in verb. *bastardus* Camden in *Richmondshire*.

to himself and his family; and that if he seized not the opportunity of making atonement for his guilt by revealing it, the temerity of the conspirators was so great, that they would give some other person the means of acquiring the merit of the discovery. Waltheof, convinced by these arguments, went over to Normandy; but though he was well received by the king and thanked for his fidelity, the account, previously transmitted by Judith, had sunk deep into William's mind, and had destroyed all the merit of her husband's repentance.

The conspirators hearing of Waltheof's departure immediately concluded their design to be betrayed; and (A.D. 1074) they flew to arms before their schemes were ripe for execution, and before the arrival of the Danes, in whose aid they placed their chief confidence. The Earl of Hereford was checked by Walter de Lacy, a great baron in those parts, who, supported by the Bishop of Worcester and the Abbot of Evesham, raised some forces and prevented the earl from passing the Severne, or advancing into the heart of the kingdom. The Earl of Norfolk was defeated at Fagadun, near Cambridge, by Odo, the regent, assisted by Richard de Bienfaite and William de Warrenne, the two justiciaries. The prisoners taken in this action had their right foot cut off, as a punishment of their treason. The earl himself escaped to Norwich, thence to Denmark, where the Danish fleet, which had made an unsuccessful attempt upon the coast of England (Chron. Sax., p. 183), soon after arrived, and brought him intelligence that all his confederates were suppressed, and were either killed, banished, or taken prisoners.<sup>1</sup> Ralph retired in despair to Brittany, where he possessed a large estate and extensive jurisdictions.

The king, who hastened over to England in order to suppress the insurrection, found that nothing remained but the punishment of the criminals, which he executed with great severity. Many of the rebels were hanged, some had their eyes put out, others their hands cut off. But William, agreeably to his usual maxims, showed more lenity to their leader, the Earl of Hereford, who was only condemned to a forfeiture of his estate and to imprisonment during pleasure. The king seemed even disposed to remit this last part of the punishment, had not Roger by a fresh insolence provoked him to render his confinement perpetual. But Waltheof, being an Englishman, was not treated with so much humanity, though his guilt, always much inferior to that of the other conspirators, was atoned for by an early repentance and return to his duty. William, instigated by his niece as well as by his rapacious courtiers, who longed for so rich a forfeiture, ordered him to be tried, condemned, and (April 29, 1075) executed. The English, who considered this nobleman as the last resource of their nation, grievously lamented his fate, and fancied that miracles were wrought by his relics as a testimony of his innocence and sanctity. The infamous Judith, falling soon after under the king's displeasure, was abandoned by all the world, and passed the remainder of her life in contempt, in remorse, and misery.

Nothing remained to complete William's satisfaction but the punish-

<sup>1</sup> Many of the fugitive Normans are supposed to have fled into Scotland; where they were protected, as well as the fugitive English, by Malcolm. Whence come the many French and Norman families, which are found at present in that country.

ment of Ralph de Guader; and he hastened over to Normandy in order to gratify his vengeance on that criminal. But though the contest seemed very unequal between a private nobleman and the King of England, Ralph was so well supported both by the Earl of Brittany and the King of France, that William, after besieging him for some time in Dol, was obliged to abandon the enterprise, and make with those powerful princes a peace, in which Ralph himself was included. England, during his absence, remained in tranquillity, and nothing remarkable occurred except two ecclesiastical synods which were summoned, one at London, another at Winchester. In the former, the precedence among the episcopal sees was settled, and the seat of some of them was removed from small villages to the most considerable town within the diocese. In the second there was transacted a business of more importance.

The industry and perseverance are surprising, with which the popes had been treasuring up powers and pretensions during so many ages of ignorance; while each pontiff employed every fraud for advancing purposes of imaginary piety, and cherished all claims which might turn to the advantage of his successors, though he himself could not expect ever to reap any benefit from them. All this immense store of spiritual and civil authority was now devolved on Gregory VII., of the name of Hildebrand, the most enterprising pontiff that had ever filled that chair, and the least restrained by fear, decency, or moderation. Not content with shaking off the yoke of the emperors, who had hitherto exercised the power of appointing the pope on every vacancy, at least of ratifying his election, he undertook the arduous task of entirely disjoining the ecclesiastical from the civil power, and of excluding profane laymen from the right which they had assumed of filling the vacancies of bishoprics, abbeys, and other spiritual dignities (*L'Abbe Conc.*, tom x., pp 371, 379, com. 2). The sovereigns, who had long exercised this power, and who had acquired it, not by encroachments on the Church, but on the people, to whom it originally belonged (*Padre Paolo sopra benef. eccles.*, p 20), made great opposition to this claim of the court of Rome; and Henry IV., the reigning emperor, defended this prerogative of his crown with a vigour and resolution suitable to its importance. The few offices, either civil or military, which the feudal institutions left the sovereign the power of bestowing, made the prerogative of conferring the pastoral ring and staff the most valuable jewel of the royal diadem; especially as the general ignorance of the age bestowed a consequence on the ecclesiastical offices, even beyond the great extent of power and property which belonged to them. Superstition, the child of ignorance, invested the clergy with an authority almost sacred, and as they engrossed the little learning of the age, their interposition became requisite in all civil business, and a real usefulness in common life was thus super-added to the spiritual sanctity of their character.

When the usurpations, therefore, of the Church had (A.D 1076) come to such maturity as to embolden her to attempt extorting the right of investitures from the temporal power, Europe, especially Italy and Germany, was thrown into the most violent convulsions, and the pope and the emperor waged implacable war on each other. Gregory



dared to fulminate the sentence of excommunication against Henry and his adherents, to pronounce him rightfully deposed, to free his subjects from their oaths of allegiance; and instead of shocking mankind by this gross encroachment on the civil authority, he found the stupid people ready to second his most exorbitant pretensions. Every minister, servant, or vassal of the emperor who received any disgust, covered his rebellion under the pretence of principle; and even the mother of this monarch, forgetting all the ties of nature, was seduced to countenance the insolence of his enemies. Princes themselves, not attentive to the pernicious consequences of those papal claims, employed them for their present purposes, and the controversy, spreading into every city of Italy, engendered the parties of Guef and Ghibelin; the most durable and most inveterate factions that ever arose from the mixture of ambition and religious zeal. Besides numberless assassinations, tumults, and convulsions, to which they gave rise, it is computed that the quarrel occasioned no less than sixty battles in the reign of Henry IV., and eighteen in that of his successor, Henry V., when the claims of the sovereign pontiff finally prevailed (*Padre Paolo sopra benef. eccles.*, p. 113).

But the bold spirit of Gregory, not dismayed with the vigorous opposition which he met with from the emperor, extended his usurpations all over Europe; and well knowing the nature of mankind, whose blind astonishment ever inclines them to yield to the most impudent pretensions, he seemed determined to set no bounds to the spiritual, or rather temporal monarchy, which he had undertaken to erect. He pronounced the sentence of excommunication against Nicephorus, Emperor of the East; Robert Guiscard, the adventurous Norman, who had acquired the dominion of Naples, was attacked by the same dangerous weapon; he degraded Boleslas, King of Poland, from the rank of king, and even deprived Poland of the title of a kingdom; he attempted to treat Philip, King of France, with the same rigour which he had employed against the emperor (*Epist. Greg VII.*, epist. 32, 35; lib. II., epist. 5); he pretended to the entire property and dominion of Spain; and he parcelled it out amongst adventurers who undertook to conquer it from the Saracens, and to hold it in vassalage under the see of Rome (*Epist. Greg VII.*, lib. I., epist. 7). Even the Christian bishops, on whose aid he relied for subduing the temporal princes, saw that he was determined to reduce them to servitude, and by assuming the whole legislative and judicial power of the Church, to centre all authority in the sovereign pontiff (*Greg. Epist.*, lib. II., epist. 55).

William the Conqueror, the most potent, the most haughty, and the most vigorous prince in Europe, was not, amidst all his splendid successes, secure from the attacks of this enterprising pontiff. Gregory wrote him a letter requiring him to fulfil his promise in doing homage for the kingdom of England to the see of Rome, and to send him over that tribute which all his predecessors had been accustomed to pay to the vicar of Christ. By the tribute he meant Peter's pence, which, though at first a charitable donation of the Saxon princes, was interpreted, according to the usual practice of the Romish court, to be a badge of subjection acknowledged by the kingdom. William replied that the money should be remitted as usual; but that neither had he

promised to do homage to Rome, nor was it in the least his purpose to impose that servitude on his state (Spicileg. Seldeni ad Eadmer, p. 4). And the better to show Gregory his independence, he ventured, notwithstanding the frequent complaints of the pope, to refuse to the English bishops the liberty of attending a general council which that pontiff had summoned against his enemies.

But though the king displayed this vigour in supporting the royal dignity, he was infected with the general superstition of the age, and he did not perceive the ambitious scope of those institutions which, under colour of strictness in religion, were introduced or promoted by the court of Rome. Gregory, while he was throwing all Europe into combustion by his violence and impostures, affected an anxious care for the purity of manners; and even the chaste pleasures of the marriage-bed were inconsistent, in his opinion, with the sanctity of the sacerdotal character. He had issued a decree prohibiting the marriage of priests, excommunicating all clergymen who retained their wives, declaring such unlawful commerce to be fornication, and rendering it criminal in the laity to attend Divine worship when such profane priests officiated at the altar.<sup>1</sup> This point was a great object in the politics of the Roman pontiffs; and it cost them infinitely more pains to establish it than the propagation of any speculative absurdity which they had ever attempted to introduce. Many synods were summoned in different parts of Europe before it was finally settled; and it was there constantly remarked that the younger clergymen complied cheerfully with the pope's decrees in this particular, and that the chief reluctance appeared in those who were more advanced in years. an event so little consonant to men's natural expectations that it could not fail to be glossed on, even in that blind and superstitious age. William allowed the pope's legate to assemble, in his absence, a synod at Winchester, in order to establish the celibacy of the clergy; but the Church of England could not yet be carried the whole length expected. The synod was content with decreeing that the bishops should not thenceforth ordain any priests or deacons without exacting from them a promise of celibacy, but they enacted that none except those who belonged to collegiate or cathedral churches should be obliged to separate from their wives.

The king passed some years in Normandy; but his long residence there was not entirely owing to his declared preference of that duchy. His presence was also necessary for composing those disturbances which had arisen in that favourite territory, and which had even originally proceeded from his own family. Robert, his eldest son, surnamed Gambaron or Courthose, from his short legs, was a prince who inherited all the bravery of his family and nation; but without that policy and dissimulation by which his father was so much distinguished, and which, no less than his military valour, had contributed to his great successes. Greedy of fame, impatient of contradiction, without reserve in his friendships, declared in his enmities, this prince could endure no control even from his imperious father, and openly aspired to that independence to which his temper, as well as some circumstances in his situation, strongly invited him.<sup>2</sup> When William first

<sup>1</sup> Hoveden, pp 455, 457; Flor Wigorn, p 638, Spelm Concil, fol 13, A D 1076.

<sup>2</sup> Order Vital, p. 545, Hoveden, p 457, Flor. Wigorn, p 639

received the submissions of the province of Maine, he had promised the inhabitants that Robert should be their prince; and before he undertook the expedition against England, he had, on the application of the French court, declared him his successor in Normandy, and had obliged the barons of that duchy to do him homage as their future sovereign. By this artifice, he had endeavoured to appease the jealousy of his neighbours, as affording them a prospect of separating England from his dominions on the continent; but when Robert demanded of him the execution of those engagements, he gave him an absolute refusal, and told him, according to the homely saying, that he never intended to throw off his clothes till he went to bed (*Chron. de Mailr.*, p. 160). Robert openly declared his discontent, and was suspected of secretly instigating the King of France and the Earl of Brittany to the opposition which they made to William, and which had formerly frustrated his attempts upon the town of Dol. And as the quarrel still augmented, Robert proceeded to entertain a strong jealousy of his two surviving brothers, William and Henry (for Richard was killed in hunting, by a stag), who by greater submission and complaisance had acquired the affections of their father. In this disposition, on both sides, the merest trifle sufficed to produce a rupture.

The three princes, residing with their father in the castle of L'Aigle in Normandy, were one day engaged in sport together; and after some mirth and jollity, the two younger took a fancy of throwing over some water on Robert as he passed through the court on leaving their apartment (*Order. Vital*, p. 545); a frolic which he would naturally have regarded as innocent, had it not been for the suggestions of Alberic de Grentmesnil, son of that Hugh de Grentmesnil, whom William had formerly deprived of his fortunes, when that baron deserted him during his greatest difficulties in England. The young man, mindful of the injury, persuaded the prince that this action was meant as a public affront, which it behoved him in honour to resent; and the choleric Robert, drawing his sword, ran up stairs with an intention of taking revenge on his brothers (*Ibid.*). The whole castle was filled with tumult, which the king himself, who hastened from his apartment, found some difficulty to appease. But he could by no means appease the resentment of his eldest son, who complaining of his partiality, and fancying that no proper atonement had been made him for the insult, left the court that very evening and hastened to Rouen, with an intention of seizing the citadel of that place (*Ibid.*). But being disappointed in this view by the precaution and vigilance of Roger de Ivery, the governor, he fled to Hugh de Neufchatel, a powerful Norman baron, who gave him protection in his castles; and he openly levied war against his father.<sup>1</sup> The popular character of the prince, and a similarity of manners, engaged all the young nobility of Normandy and Maine, as well as of Anjou and Brittany, to take part with him; and it was suspected that Matilda, his mother, whose favourite he was, supported him in his rebellion by secret remittances of money, and by the encouragement which she gave his partisans.

All the hereditary provinces of William, as well as his family, were

<sup>1</sup> *Order. Vital*, p. 545, *Hoveden*, p. 457, *Sum. Dun.*, p. 210, *Diceto*, p. 487.

during several years thrown into convulsions by this war ; and he was (A.D. 1079) at last obliged to have recourse to England, where that species of military government which he had established gave him greater authority than the ancient feudal institutions permitted him to exercise in Normandy. He called over an army of English under his ancient captains, who soon expelled Robert and his adherents from their retreats, and restored the authority of the sovereign in all his dominions. The young prince was obliged to take shelter in the castle of Gerberoy, in the Beauvoisis, which the King of France, who secretly fomented all these dissensions, had provided for him. In this fortress he was closely besieged by his father, against whom, having a strong garrison, he made an obstinate defence. There passed under the walls of this place many rencounters, which resembled more the single combats of chivalry than the military actions of armies ; but one of them was remarkable for its circumstances and its event. Robert happened to engage the king, who was concealed by his helmet, and both of them being valiant, a fierce combat ensued, till at last the young prince wounded his father in the arm, and unhorsed him. On his calling out for assistance, his voice discovered him to his son, who struck with remorse for his past guilt, and astonished with the apprehensions of one much greater, which he had so nearly incurred, instantly threw himself at his father's feet, craved pardon for his offences, and offered to purchase forgiveness by any atonement.<sup>1</sup> The resentment harboured by William was so implacable, that he did not immediately correspond to this dutiful submission of his son with like tenderness ; but giving him his malediction, departed for his own camp on Robert's horse, which that prince had assisted him to mount. He soon after raised the siege and marched with his army to Normandy, where the interposition of the queen and other common friends brought about a reconciliation, which was probably not a little forwarded by the generosity of the son's behaviour in this action, and by the returning sense of his past misconduct. The king seemed so fully appeased, that he even took Robert with him into England, where he entrusted him with the command of an army, in order to repel an inroad of Malcolm, King of Scotland, and to retaliate by a like inroad into that country. The Welsh, unable to resist William's power, were, about the same time, necessitated to pay a compensation for their incursions ; and everything was thus reduced to full tranquillity in this island.

This state of affairs gave William leisure to begin (A.D. 1081) and finish an undertaking, which proves his extensive genius, and does honour to his memory ; it was a general survey of all the lands in the kingdom, their extent in each district, their proprietors, tenures, value ; the quantity of meadow, pasture, wood and arable land, which they contained ; and in some counties the number of tenants, cottagers, and slaves of all denominations, who lived upon them. He appointed commissioners for this purpose, who entered every particular in their register by the verdicts of juries ; and after a labour of six years (for the work was so long in finishing), brought him an exact account of

<sup>1</sup> Malm, p. 106, H Hunt, p. 369, Hoveden, p. 457, Flor Wig, p. 637, Sim. Dun., p. 210, Diceto, p. 287, Knyghton, p. 2351, Alur Beverl, p. 135

all the landed property of his kingdom.<sup>1</sup> This monument, called Domesday-book, the most valuable piece of antiquity possessed by any nation, is still preserved in the Exchequer, and though only some extracts of it have hitherto been published, it serves to illustrate to us, in many particulars, the ancient state of England. The great Alfred had finished a like survey of the kingdom in his time, which was long kept at Winchester, and which probably served as a model to William in this undertaking (Ingulf, p. 8).

The king was naturally a great economist, and though no prince had ever been more bountiful to his officers and servants, it was merely because he had rendered himself universal proprietor of England, and had a whole kingdom to bestow. He reserved an ample revenue for the crown; and in the general distribution of land among his followers, he kept possession of no less than 1422 manors in different parts of England (West's inquiry into the manner of creating peers, p. 24), which paid him rent either in money, or in corn, cattle, and the usual produce of the soil. An ancient historian computes that his annual fixed income, besides escheats, fines, reliefs, and other casual profits to a great value, amounted to near 400,000*l* a year,<sup>2</sup> a sum which, if all circumstances be attended to, will appear wholly incredible. A pound in that age, as we have already observed, contained three times the weight of silver that it does at present, and the same weight of silver, by the most probable computation, would purchase near ten times more of the necessaries of life, though not in the same proportion of the finer manufactures. This revenue, therefore, of William would be equal to at least nine or ten millions at present; and as that prince had neither fleet nor army to support, the former being only an occasional expense, and the latter being maintained without any charge to him, by his military vassals, we must thence conclude that no emperor or prince, in any age or nation, can be compared to the Conqueror for opulence and riches. This leads us to suspect a great mistake in the computation of the historian; though, if we consider that avarice is always imputed to William as one of his vices, and that, having by the sword rendered himself master of all the lands in the kingdom, he would certainly in the partition retain a great proportion for his own share; we can scarcely be guilty of any error in asserting that perhaps no king of England was ever more opulent, was more able to support by his revenue the splendour and magnificence of a court, or could bestow more on his pleasures, or in liberalities to his servants and favourites (Fortescue, de Dom. reg. and polit., cap. 111).

There was one pleasure to which William, as well as all the Normans and ancient Saxons, was extremely addicted, and that was hunting; but this pleasure he indulged more at the expense of his unhappy subjects, whose interests he always disregarded, than to the loss or diminution of his own revenue. Not content with those large forests which former kings possessed in all parts of England, he resolved to

<sup>1</sup> Chron. Sax., p. 190, Ingulf, p. 79; Chron. T. Wykes, p. 23, H. Hunt, p. 370, Hoveden, p. 460, M. West, p. 229, Flor. Wigorn., p. 641, Chron. Abb. St. Petri de Burgo, p. 51; M. Paris, p. 8. The more northern counties were not comprehended in this survey; I suppose because of their wild, uncultivated state.

<sup>2</sup> Order Vital, p. 523. He says 206 pounds and some odd shillings and pence a day.

make a new forest near Winchester, the usual place of his residence ; and for that purpose he laid waste the country in Hampshire for an extent of thirty miles, expelled the inhabitants from their houses, seized their property, even demolished churches and convents, and made the sufferers no compensation for the injury.<sup>1</sup> At the same time he enacted new laws, by which he prohibited all his subjects from hunting in any of his forests, and rendered the penalties more severe than ever had been inflicted for such offences. The killing of a deer or boar, or even a hare, was punished with the loss of the delinquent's eyes ; and that at a time, when the killing of a man could be atoned for by paying a very moderate fine or composition.

The transactions recorded during the remainder of this reign may be considered more as domestic occurrences, which concern the prince, than as national events which regard England. Odo, Bishop of Baieux, the king's uterine brother, whom he had created Earl of Kent, and entrusted with a great share of power during his whole reign, had amassed immense riches ; and agreeably to the usual progress of human wishes, he began to regard his present acquisitions but as a step to further grandeur. He had formed the chimerical project of buying the papacy ; and though Gregory, the reigning Pope, was not of advanced years, the prelate had confided so much in the predictions of an astrologer, that he reckoned upon the pontiff's death, and upon attaining, by his own intrigues and money, that envied state of greatness. Resolving therefore to remit all his riches to Italy, he had persuaded many considerable barons, and among the rest, Hugh, Earl of Chester, to take the same course ; in hopes that when he should mount the papal throne he would bestow on them more considerable establishments in that country. The king, from whom all these projects had been carefully concealed, at last got intelligence of the design, and (A.D. 1082) ordered Odo to be arrested. His officers, from respect to the immunities which the ecclesiastics now assumed, scrupled to execute the command, till the king himself was obliged in person to seize him ; and when Odo insisted that he was a prelate and exempt from all temporal jurisdiction, William replied that he arrested him, not as Bishop of Baieux, but as Earl of Kent. He was sent prisoner to Normandy ; and notwithstanding the remonstrances and menaces of Gregory, was detained in custody during the remainder of his reign.

Another domestic event gave (A.D. 1083) the king much more concern ; it was the death of Matilda, his consort, whom he tenderly loved, and for whom he had ever preserved the most sincere friendship. Three years afterwards he passed into Normandy, and carried with him Edgar Atheling, to whom he willingly granted permission to make a pilgrimage to the Holy Land. He was (A.D. 1087) detained on the continent by a misunderstanding which broke out between him and the King of France, and which was occasioned by inroads made into Normandy by some French barons on the frontiers. It was little in the power of princes at that time to restrain their licentious nobility ; but William suspected that these barons durst not have provoked his indignation, had they not been assured of the countenance and protection of Philip. His displeasure was increased by the account he

<sup>1</sup> Malm. p. 3, H. Hunt. p. 731; *Anglia Sacra*, vol. 1, p. 238

received of some raileries which that monarch had thrown out against him. William, who was become corpulent, had been detained in bed some time by sickness, upon which Philip expressed his surprise that his brother of England should be so long in being delivered of his big belly. The king sent him word, that as soon as he was up, he would present so many lights at Notre Dame as would perhaps give little pleasure to the King of France, alluding to the usual practice at that time of women after childbirth. Immediately on his recovery, he led an army into L' Isle de France, and laid everything waste with fire and sword. He took the town of Mante, which he reduced to ashes. But the progress of these hostilities was stopped by an accident, which soon after put an end to William's life. His horse starting aside of a sudden, he bruised his belly on the pommel of the saddle, and being in a bad habit of body, as well as somewhat advanced in years, he began to apprehend the consequences, and ordered himself to be carried in a litter to the monastery of St. Gervas. Finding his illness increase, and being sensible of the approach of death, he discovered at last the vanity of all human grandeur, and was struck with remorse for those horrible cruelties and acts of violence, which in the attainment and defence of it, he had committed during the course of his reign over England. He endeavoured to make atonement by presents to churches and monasteries; and he issued orders, that Earl Morcar, Siward Bearne, and other English prisoners should be set at liberty. He was even prevailed on, though not without reluctance, to consent with his dying breath to release his brother Odo, against whom he was extremely incensed. He left Normandy and Maine to his eldest son Robert; he wrote to Lanfranc, desiring him to crown William king of England; he bequeathed to Henry nothing but the possessions of his mother, Matilda; but foretold, that he would one day surpass both his brothers in power and opulence. He expired (9th Sept.) in the sixty-third year of his age, in the twenty-first year of his reign over England, and in the fifty-fourth of that over Normandy.

Few princes have been more fortunate than this great monarch, or were better entitled to grandeur and prosperity, from the abilities and the vigour of the mind which he displayed in all his conduct. His spirit was bold and enterprising, yet guided by prudence; his ambition, which was exorbitant, and lay little under the restraints of justice, still less under those of humanity, ever submitted to the dictates of sound policy. Born in an age when the minds of men were intractable and unacquainted with submission, he was yet able to direct them to his purposes; and partly from the ascendant of his vehement character, partly from art and dissimulation, to establish an unlimited authority. Though not insensible to generosity, he was hardened against compassion, and he seemed equally ostentatious and equally ambitious of show and parade in his clemency and in his severity. The maxims of his administration were austere, but might have been useful, had they been solely employed to preserve order in an established government (M. West., p. 230, *Anglia Sacra*, vol. i., p. 258); they were ill calculated for softening the rigours, which under the most gentle management are inseparable from conquest. His attempt against England was the last great enterprise of the kind, which,

during the course of seven hundred years, has fully succeeded in Europe, and the force of his genius broke through those limits which, first the feudal institutions, then the refined policy of princes, have fixed to the several states of Christendom. Though he rendered himself infinitely odious to his English subjects, he transmitted his power to his posterity, and the throne is still filled by his descendants; a proof, that the foundations which he laid were firm and solid, and that amidst all his violence, while he seemed only to gratify the present passion, he had still an eye towards futurity.

Some writers have been desirous of refusing to this prince the title of Conqueror, in the sense which that term commonly bears, and, on pretence that the word is sometimes in old books applied to such as make an acquisition of territory by any means, they are willing to reject William's title, by right of war, to the crown of England. It is needless to enter into a controversy, which by the terms of it, must necessarily degenerate into a dispute of words. It suffices to say, that the Duke of Normandy's first invasion of the island was hostile; that his subsequent administration was entirely supported by arms, that in the very frame of his laws he made a distinction between the Normans and English, to the advantage of the former (Hoveden, p. 600), that he acted in everything as absolute master over the natives, whose interest and affections he totally disregarded, and that if there were an interval when he assumed the appearance of a legal sovereign, the period was very short, and was nothing but a temporary sacrifice, which he, as has been the case with most conquerors, was obliged to make of his inclination to his present policy. Scarce any of those revolutions, which both in history and common language have always been denominated conquests, appear equally violent, or were attended with so sudden an alteration both of power and property. The Roman state, which spread its dominion over Europe, left the rights of individuals, in a great measure untouched, and those civilized conquerors, while they made their own country the seat of empire, found that they could draw most advantage from the subjected provinces, by securing to the natives the free enjoyment of their own laws and of their private possessions. The barbarians, who subdued the Roman empire, though they settled in the conquered countries, yet being accustomed to a rude uncultivated life, found a part only of the land sufficient to supply all their wants, and they were not tempted to seize extensive possessions which they knew neither how to cultivate nor enjoy. But the Normans and other foreigners who followed the standard of William, while they made the vanquished kingdom the seat of government, were yet so far advanced in arts as to be acquainted with the advantages of a large property; and having totally subdued the natives, they pushed the rights of conquest (very extensive in the eyes of avarice and ambition, however narrow in those of reason) to the uttermost extremity against them. Except the former conquest of England by the Saxons themselves, who were induced by peculiar circumstances to proceed even to the extermination of the natives, it would be difficult to find in all history a revolution more destructive, or attended with a more complete subjection of the ancient inhabitants. Contumely seems even to have been wantonly added to oppression



(H. Hunt, p. 370; Brompton, p. 980), and the natives were universally reduced to such a state of meanness and poverty, that the English name became a term of reproach, and several generations elapsed before one family of Saxon pedigree was raised to any considerable honours, or could so much as attain the rank of baron of the realm.<sup>1</sup> These facts are so apparent from the whole tenor of the English history, that none would have been tempted to deny or elude them, were they not heated by the controversies of faction; while one party was *absurdly* afraid of those *absurd* consequences which they saw the other party inclined to draw from this event. But it is evident that the present rights and privileges of the people, who are a mixture of English and Normans, can never be affected by a transaction which passed seven hundred years ago; and as all ancient authors,<sup>2</sup> who lived nearest the time, and best knew the state of the country, unanimously speak of the Norman dominion as a conquest by war and arms, no reasonable man, from the fear of imaginary consequences, will ever be tempted to reject their concurring and their undoubted testimony.

King William had issue besides his three sons, who survived him, five daughters, to wit (1.) Cicily, a nun, in the monastery of Feschamp, afterwards abbess in the Holy Trinity at Caen, where she died in 1127. (2.) Constantia, married to Alan Fergant, Earl of Brittany: she died without issue. (3.) Alice, contracted to Harold. (4.) Adela, married to Stephen, Earl of Blois, by whom she had four sons, William, Theobald, Henry, and Stephen, of whom the elder was neglected on account of the imbecility of his understanding. (5.) Agatha, who died a virgin, but was betrothed to the King of Galicia. She died on her journey thither, before she joined her bridegroom.

## CHAPTER V.

### WILLIAM RUFUS.

*Accession of William Rufus—Conspiracy against the king—Invasion of Normandy—The Crusades—Acquisition of Normandy—Quarrel with Anselm, the primate—Death—and character of William Rufus.*

WILLIAM, surnamed Rufus, or the Red, from the colour of his hair, had

<sup>1</sup> So late as the reign of King Stephen, the Earl of Albemarle, before the Battle of the Standard, addressed the officers of his army in these terms, *Proceres Angliæ clarissimi, & genere Normanni, etc.* Brompton, p. 1026. See further, Abbas Rieval, p. 339, etc. All the barons and military men in England still called themselves Normans.

<sup>2</sup> Ingulf, p. 70; H. Hunt, pp. 370, 372; M. West, p. 225; Gul. Neub., p. 357; Alured. Beverl., p. 124; De Gest. Angl., p. 333; M. Paris, p. 4; Sim. Dun., p. 206; Brompton, pp. 962, 980, 1161; Gervase Tilb., lib. 1, cap. 16; Textus Roffensis apud Seld. Spicileg. ad Eadm., p. 179; Gul. Pict., p. 206; Ordericus Vitalis, pp. 521, 666, 853; Epist. St. Thom., p. 801; Gul. Malmes., pp. 52, 57; Knyghton, p. 2354; Eadmer, pp. 110; Thom. Rudborne in Ang. Sacra, vol. 1, p. 248; Monach. Ross in Ang. Sacra, vol. 1, p. 276; Girald. Camb. in eadem, vol. 1, p. 413; Hist. Elyensis, p. 516. The words of this last historian, who is very ancient, are remarkable, and worth transcribing. 'Rex itaque factus Willielmus. quid in principes Anglorum, qui tantæ cladis superesse poterant, fecerit, dicere, cum nihil prosit, omitto. Quid enim prodesset, si nec unum in toto regno de illis dicerem pristina potestate uti permissum, sed omnes aut in gravem paupertatis ærumnam detruos, aut exheredatos, patria pulsos, aut effossis oculis, vel cæteris amputatis membris, opprobrium hominum factos, aut certe miserime afflictos, vita privatos. Simili modo utilitate carere existimo dicere quid in minorem populum, non solum ab eo, sed a suis actum sit, cum id dictu sciamus difficile, et ob immanem crudelitatem fortassis incredibile.'

no sooner procured his father's recommendatory letter to Lanfranc, the primate, than he hastened (1087) to take measures for securing to himself the government of England. Sensible that a deed so informal, and so little prepared, which violated Robert's right of primogeniture, might meet with great opposition, he trusted entirely for success to his own celerity; and having left St. Gervas while William was breathing his last, he arrived in England before intelligence of his father's death had reached that kingdom (W. Malm., p. 120, M. Paris, p. 10). Pretending orders from the king, he secured the fortresses of Dover, Pevensey, and Hastings, whose situation rendered them of the greatest importance, and he got possession of the royal treasure at Winchester, amounting to the sum of 60,000*l.*, by which he hoped to encourage and increase his partisans (Chron. Sax., p. 192; Brompton p. 983). The primate, whose rank and reputation in the kingdom gave him great authority, had been entrusted with the care of his education, and had conferred on him the honour of knighthood,<sup>1</sup> and being connected with him by these ties, and probably deeming his pretensions just, declared that he would pay a willing obedience to the last will of the Conqueror, his friend and benefactor. Having assembled some bishops and some of the principal nobility, he instantly proceeded to the ceremony of crowning the new king (Hoveden, p. 461); and by this despatch endeavoured to prevent all faction and resistance. At the same time, Robert, who had been already acknowledged successor to Normandy, took peaceable possession of that duchy.

But though this partition appeared to have been made without any violence or opposition, there remained in England many causes of discontent, which seemed to menace that kingdom with a sudden revolution. The barons, who generally possessed large estates both in England and in Normandy, were uneasy at the separation of those territories; and foresaw that, as it would be impossible for them to preserve long their allegiance to two masters, they must necessarily resign either their ancient patrimony or their new acquisitions (Order. Vitalis, p. 666). Robert's title to the duchy they esteemed incontestable; his claim to the kingdom plausible; and they all desired that this prince, who alone had any pretensions to unite these states, should be put in possession of both. A comparison also of the personal qualities of the two brothers led them to give the preference to the elder. The duke was brave, open, sincere, generous; even his predominant faults, his extreme indolence and facility, were not disagreeable to those haughty barons, who affected independence, and submitted with reluctance to a vigorous administration in their sovereign. The king, though equally brave, was violent, haughty, tyrannical; and seemed disposed to govern more by the fear than by the love of his subjects. Odo, Bishop of Baieux, and Robert, Earl of Montaigne, maternal brothers of the Conqueror, envying the great credit of Lanfranc, which was increased by his late services, enforced all these motives with their partisans, and engaged them in a formal conspiracy to dethrone the king. They communicated their design to Eustace, Count of Boulogne; Roger, Earl of Shrewsbury and Arundel; Robert de Belesme, his eldest son; William, Bishop of Durham; Robert de Moubray, Roger Bigod, Hugh de Grent-

<sup>1</sup> W. Malm., p. 120, M. Paris, p. 10; Thom. Rudborne, p. 263.

mesnil; and they easily procured the assent of these potent noblemen. The conspirators, retiring to their castles, hastened to put themselves in military posture; and expecting soon to be supported by a powerful army from Normandy, they had already begun hostilities.

The king, sensible of his perilous situation, endeavoured to engage the affections of the native English. As that people were now so thoroughly subdued that they no longer aspired to the recovery of their ancient liberties, and were content with the prospect of some mitigation in the tyranny of the Norman princes, they zealously embraced William's cause, upon receiving general promises of good treatment, and of enjoying the licence of hunting in royal forests. The king was soon in a situation to take the field; and as he knew the danger of delay, he suddenly marched into Kent, where his uncles had already seized the fortresses of Pevensey and Rochester. These places he successively reduced by famine; and though he was prevailed on by the Earl of Chester, William de Warrenne, and Robert Fitz Hammon, who had embraced his cause, to spare the lives of the rebels, he confiscated all their estates, and banished them the kingdom (*Chron. Sax.*, p. 195; *Order. Vital*, p. 668). This success gave authority to his negotiations with Roger, Earl of Shrewsbury, whom he detached from the confederates; and as his powerful fleet joined to the indolent conduct of Robert, prevented the arrival of the Norman succours, all the other rebels found no resource but in flight or submission. Some of them received a pardon, but the greater part were attainted, and the king bestowed their estates on the Norman barons who had remained faithful to him.

William, freed from the danger of these insurrections, took little care of fulfilling his promises to the English, who still found themselves exposed to the same oppressions which they had undergone during the reign of the Conqueror, and which were rather augmented by the violent, impetuous temper of the present monarch. The death (A.D. 1089) of Lanfranc, who retained great influence over him, gave soon after a full career to his tyranny; and all orders of men found reason to complain of an arbitrary and illegal administration. Even the privileges of the Church, held sacred in those days, were a feeble rampart against his usurpations. He seized the temporalities of all the vacant bishoprics and abbeys; he delayed the appointing of successors to those dignities, that he might the longer enjoy the profits of their revenue; he bestowed some of the Church lands in property on his captains and favourites; and he openly set to sale such sees and abbeys as he thought proper to dispose of. Though the murmurs of the ecclesiastics, which were quickly propagated to the nation, rose high against this grievance, the terror of William's authority, confirmed by the suppression of the late insurrections, retained every one in subjection, and preserved general tranquillity in England.

The king even thought himself enabled to disturb his brother in the possession of Normandy. The loose and negligent administration of that prince had emboldened the Norman barons to affect a great independency, and their mutual quarrels and devastations had rendered that whole territory a scene of violence and outrage. Two of them, Walter and Odo, were bribed by William to deliver the fortresses

of St. Valori and Albemarle into his hands ; others soon after imitated the example of revolt ; while Philip, King of France, who ought to have protected his vassal in the possession of his fief, was, after making some efforts in his favour, engaged by large presents to remain neutral. The duke had also reason to apprehend danger from the intrigues of his brother Henry. This young prince, who had inherited nothing of his father's great possessions, but some of his money, had furnished Robert, while he was making his preparations against England, with the sum of three thousand marks, and in return for so slender a supply had been put in possession of the Cotentin, which comprehended nearly a third of the duchy of Normandy. Robert afterwards upon some suspicion threw him into prison, but finding himself exposed to invasion from the King of England, and dreading the conjunction of the two brothers against him, he now gave Henry his liberty and even made use of his assistance in suppressing the insurrections of his rebellious subjects. Conan, a rich burghess of Rouen, had entered into a conspiracy to deliver that city to William ; but Henry, on the detection of his guilt, carried the traitor up to a high tower, and with his own hands flung him from the battlements.

The king appeared (A.D. 1090) in Normandy at the head of an army; and affairs seemed to have come to extremity between the brothers, when the nobility on both sides, strongly connected by interest and alliances, interposed and mediated an accommodation. The chief advantage of this treaty accrued to William, who obtained possession of the territory of Eu, the towns of Aumale, Fescamp, and other places; but, in return, he promised that he would assist his brother in subduing Maine, which had rebelled, and that the Norman barons attainted in Robert's cause should be restored to their estates in England. The two brothers also stipulated that on the demise of either without issue, the survivor should inherit all his dominions; and twelve of the most powerful barons on each side swore that they would employ their power to ensure the execution of the whole treaty;<sup>1</sup> a strong proof of the great independence and authority of the nobles in those ages.

Prince Henry, disgusted that so little care had been taken of his interests in this accommodation, retired to St. Michael's Mount, a strong fortress off the coast of Normandy, and infested the neighbourhood with his incursions. Robert and William, with their joint forces, besieged him in this place, and had nearly reduced him by the scarcity of water, when the elder, hearing of his distress, granted him permission to supply himself, and also sent him some pipes of wine for his own table. Being reproved by William for this ill-timed generosity, he replied, 'What! shall I suffer my brother to die of thirst? Where shall we find another when he is gone?' The king also, during this siege, performed an act of generosity which was less suitable to his character. Riding out one day alone to take a survey of the fortress, he was attacked by two soldiers and dismounted. One of them drew his sword in order to despatch him, when the king exclaimed, 'Hold, knave! I am the King of England.' The soldier suspended the blow, and raising the king from the ground with expressions of respect, received

<sup>1</sup> Chron. Sax., p. 197. W. Malm., p. 221; Hoveden, p. 462; M. Paris, p. 22. Annel. Waverl., p. 137. W. Heming, p. 463. Sum. Dunelm., p. 216. Brompton, p. 386.

a handsome reward and was taken into his service. Prince Henry was soon after obliged to capitulate; and being despoiled of all his patrimony, wandered about for some time with very few attendants and often in great poverty.

The continued intestine discord among the barons was alone in that age destructive. The public wars were commonly short and feeble, produced little bloodshed, and were attended with no memorable event. To this Norman war, which was (A.D. 1091) so soon concluded, there succeeded hostilities with Scotland which were not of longer duration. Robert here commanded his brother's army, and obliged Malcolm to accept of peace and do homage to the crown of England. This peace was not more durable. Malcolm, two years after, levying an army, invaded England, and after ravaging Northumberland, he laid siege to Alnwick, where a party of Earl Mowbray's troops falling upon him by surprise, a sharp action ensued, in which Malcolm was slain. This incident interrupted for some years the regular succession to the Scottish crown. Though Malcolm left legitimate sons, his brother Donald, on account of the youth of these princes, was advanced to the throne, but kept not long possession of it. Duncan, natural son of Malcolm, formed a conspiracy against him, and being assisted by William with a small force, made himself master of the kingdom. New broils ensued with Normandy. The frank, open, remiss temper of Robert was ill fitted to withstand the interested, rapacious character of William, who, supported by greater power, was still encroaching on his brother's possessions, and instigating his turbulent barons to rebellion against him. The king, having gone over to Normandy (A.D. 1094) to support his partisans, ordered an army of twenty thousand men to be levied in England, and to be conducted to the sea coast as if they were instantly to be embarked. Here Ralph Flambert, the king's minister, and the chief instrument of his extortions, exacted ten shillings apiece from them in lieu of their service, and then dismissed them into their several counties. This money was so skilfully employed by William, that it rendered him better service than he could have expected from the army. He engaged the French king by new presents to depart from the protection of Robert; and he daily bribed the Norman barons to desert his service; but was prevented from pushing his advantages by an incursion of the Welsh, which obliged him to return to England. He found no difficulty in repelling the enemy, but was not able to make any considerable impression on a country guarded by its mountainous situation. A conspiracy of his own barons, which was (A.D. 1095) detected at this time, appeared a more serious concern, and engrossed all his attention. Robert Mowbray, Earl of Northumberland, was at the head of this combination, and he engaged in it the Count d'Eu, Richard de Tunbridge, Roger de Lacey, and many others. The purpose of the conspirators was to dethrone the king, and to advance in his stead Stephen, Count of Aumale, nephew to the Conqueror. William's despatch prevented the design from taking effect, and discontinued the conspirators. Mowbray made some resistance; but being taken prisoner, was attainted and thrown into confinement, where he died about thirty years after. The Count d'Eu denied his concurrence in the plot, and to justify himself, fought (A.D. 1096), in the presence of

the court at Windsor, a duel with Geoffrey Bainard, who accused him. But being worsted in the combat, he was condemned to be castrated, and to have his eyes put out. William de Alderi, another conspirator, was supposed to be treated with more rigour when he was sentenced to be hanged.

But the noise of these petty wars and commotions was quite sunk in the tumult of the crusades, which now engrossed the attention of Europe, and have ever since engaged the curiosity of mankind, as the most signal and must durable monument of human folly that has yet appeared in any age or nation. After Mahomet had, by means of his pretended revelations, united the dispersed Arabians under one head, they issued forth from their deserts in great multitudes; and being animated with zeal for their new religion, and supported by the vigour of their new government, they made deep impression on the Eastern empire, which was far in the decline with regard both to military discipline and to civil policy. Jerusalem, by its situation, became one of their most early conquests; and the Christians had the mortification to see the holy sepulchre and the other places consecrated by the presence of their religious Founder, fallen into the possession of infidels. But the Arabians or Saracens were so employed in military enterprises, by which they spread their empire, in a few years, from the banks of the Ganges to the Straits of Gibraltar, that they had no leisure for theological controversy; and though the Alcoran, the original monument of their faith, seems to contain some violent precepts, they were much less afflicted with the spirit of bigotry and persecution than the indolent and speculative Greeks, who were continually refining on the several articles of their religious system. They gave little disturbance to those zealous pilgrims who daily flocked to Jerusalem, and they allowed every man, after paying a moderate tribute, to visit the holy sepulchre, to perform his religious duties, and to return in peace. But the Turcomans or Turks, a tribe of Tartars, who had embraced Mahometanism, having wrested Syria from the Saracens, and having in the year 1065 made themselves masters of Jerusalem, rendered the pilgrimage much more difficult and dangerous to the Christians. The barbarity of their manners, and the confusions attending their unsettled government, exposed the pilgrims to many insults, robberies, and extortions; and these zealots, returning from their meritorious fatigues and sufferings, filled all Christendom with indignation against the infidels who profaned the holy city by their presence, and derided the sacred mysteries in the very place of their completion. Gregory VII., among the other vast ideas which he entertained, had formed the design of uniting all the Western Christians against the Mahometans; but the egregious and violent invasions of that pontiff on the civil power of princes had created him so many enemies, and had rendered his schemes so suspicious, that he was not able to make great progress in this undertaking. The work was reserved for a meaner instrument, whose low condition in life exposed him to no jealousy, and whose folly was well calculated to coincide with the prevailing principles of the times.

Peter, commonly called the Hermit, a native of Amiens, in Picardy, had made the pilgrimage to Jerusalem. Being deeply affected with

the dangers to which that act of piety now exposed the pilgrims, as well as with the instances of oppression under which the Eastern Christians laboured, he entertained the bold, and in all appearance impracticable, project of leading into Asia, from the farthest extremities of the West, armies sufficient to subdue those potent and warlike nations which now held the holy city in subjection (Gul. Tyrius, lib. 1, cap. 11; M. Paris, p. 17). He proposed his views to Martin II., who filled the papal chair, and who, though sensible of the advantages which the head of the Christian religion must reap from a religious war, and though he esteemed the blind zeal of Peter a proper means for effecting the purpose (Gul. Tyrius, lib. i., cap. 13), resolved not to interpose his authority till he saw a greater probability of success. He summoned a council at Placentia, which consisted of four thousand ecclesiastics and thirty thousand seculars, and which was so numerous that no hall could contain the multitude, and it was necessary to hold the assembly in a plain. The harangues of the Pope, and of Peter himself, representing the dismal situation of their brethren in the East, and the indignity suffered by the Christian name, in allowing the holy city to remain in the hands of infidels, here found the minds of men so well prepared, that the whole multitude suddenly and violently declared for the war, and solemnly devoted themselves to perform this service, so meritorious, as they believed it, to God and religion.

But though Italy seemed thus to have zealously embraced the enterprise, Martin knew that, in order to ensure success, it was necessary to enlist the greater and more warlike nations in the same engagement; and having previously exhorted Peter to visit the chief cities and sovereigns of Christendom, he summoned another council at Clermont, in Auvergne<sup>1</sup>. The fame of this great and pious design, being now universally diffused, procured the attendance of the greatest prelates, nobles, and princes; and when the Pope and the hermit renewed their pathetic exhortations, the whole assembly, as if impelled by an immediate inspiration, not moved by their preceding impressions, exclaimed with one voice, *It is the will of God; It is the will of God!* words deemed so memorable, and so much the result of a Divine influence, that they were employed as the signal of rendezvous and battle in all the future exploits of those adventurers (Historia Bell. Sacri, tom. i., Musæi Ital.). Men of all ranks flew to arms with the utmost ardour; and an exterior symbol too, a circumstance of chief moment, was here chosen by the devoted combatants. The sign of the cross, which had been hitherto so much revered among Christians, and which, the more it was an object of reproach among the pagan world, was the more passionately cherished by them, became the badge of union, and was affixed to their right shoulder by all who enlisted themselves in this sacred warfare<sup>2</sup>.

Europe was (A.D. 1096) at this time sunk into profound ignorance and superstition: the ecclesiastics had acquired the greatest ascendancy over the human mind; the people, who, being little restrained by honour and less by law, abandoned themselves to the worst crimes and disorders, knew of no other expiation than the observances im-

<sup>1</sup> Concil. tom. x., Concil. Clarom.; Matth. Paris, p. 16; M. West, p. 233.

<sup>2</sup> Hist. Bell. Sacri, tom. 1; Mus. Ital., Order. Vital., p. 721.

posed on them by their spiritual pastors ; and it was easy to represent the holy war as an equivalent for all penances (Order. Vital, p. 720), and an atonement for every violation of justice and humanity. But, amidst the abject superstition which now prevailed, the military spirit also had universally diffused itself ; and, though not supported by art or discipline, was become the general passion of the nations governed by the feudal law. All the great lords possessed the right of peace and war ; they were engaged in perpetual hostilities with each other ; the open country was become a scene of outrage and disorder ; the cities, still mean and poor, were neither guarded by walls nor protected by privileges, and were exposed to every insult ; individuals were obliged to depend for safety on their own force, or their private alliances ; and valour was the only excellence which was held in esteem, or gave one man the pre-eminence above another. When all the particular superstitions, therefore, were here united in one great object, the ardour for military enterprises took the same direction ; and Europe, impelled by its two ruling passions, was loosened, as it were, from its foundations, and seemed to precipitate itself in one united body upon the East.

All orders of men, deeming the crusades the only road to heaven, enlisted themselves under these sacred banners, and were impatient to open the way with their sword to the holy city. Nobles, artisans, peasants, even priests (Order. Vital, p. 720), enrolled their names ; and to decline this meritorious service was branded with the reproach of impiety, or what perhaps was esteemed still more disgraceful, of cowardice and pusillanimity (W. Malm, p. 133). The infirm and aged contributed to the expedition by presents and money ; and many of them, not satisfied with the merit of this atonement, attended it in person, and were determined, if possible, to breathe their last in sight of that city where their Saviour had died for them. Women themselves, concealing their sex under the disguise of armour, attended the camp ; and commonly forgot still more the duty of the sex, by prostituting themselves without reserve, to the army (Vertot Hist. de Chev. de Malte, vol. i., p. 46). The greatest criminals were forward in a service which they regarded as a propitiation for all crimes ; and the most enormous disorders were, during the course of those expeditions, committed by men inured to wickedness, encouraged by example, and impelled by necessity. The multitude of the adventurers soon became so great, that their more sagacious leaders, Hugh, Count of Vermandois, brother to the French king, Raymond, Count of Toulouse, Godfrey of Bouillon, prince of Brabant, and Stephen, Count of Blois (Sim. Dunelm, p. 222), became apprehensive lest the greatness itself of the armament should disappoint its purpose, and they permitted an undisciplined multitude, computed at 300,000 men, to go before them, under the command of Peter the Hermit and Walter the Moneyless (Matt. Paris, p. 17). These men took the road towards Constantinople through Hungary and Bulgaria ; and trusting that Heaven, by supernatural assistance, would supply all their necessities, they made no provision for subsistence on their march. They soon found themselves obliged to obtain by plunder what they had vainly expected from miracles, and the enraged inhabitants of the countries



through which they passed, gathering together in arms, attacked the disorderly multitude, and put them to slaughter without resistance. The more disciplined armies followed after, and passing the straits at Constantinople, they were mustered in the plains of Asia, and amounted in the whole to the number of seven hundred thousand combatants (Matt. Paris, pp. 20, 21).

Amidst this universal frenzy, which spread itself by contagion throughout Europe, especially in France and Germany, men were not entirely forgetful of their present interests; and both those who went on this expedition and those who stayed behind entertained schemes of gratifying, by its means, their avarice or their ambition. The nobles who enlisted themselves were moved, from the romantic spirit of the age, to hope for opulent establishments in the East, the chief seat of arts and commerce during those ages; and in pursuit of these chimerical projects, they sold at the lowest price their ancient castles and inheritances, which had now lost all value in their eyes. The greater princes, who remained at home, besides establishing peace in their dominions by giving occupation abroad to the inquietude and martial disposition of their subjects, took the opportunity of annexing to their crown many considerable fiefs, either by purchase, or by the extinction of heirs. The Pope frequently turned the zeal of the crusades from the infidels against his own enemies, whom he represented as equally criminal with the enemies of Christ. The convents and other religious societies bought the possessions of the adventurers; and as the contributions of the faithful were commonly entrusted to their management, they often diverted to this purpose what was intended to be employed against the infidels (Padre Paolo Hist delle benef. ecclesia., p. 128). But no one was a more immediate gainer by this epidemic fury than William Rufus, King of England, who kept aloof from all connections with those fanatical and romantic warriors.

Robert, Duke of Normandy, impelled by the bravery and mistaken generosity of his spirit, had early enlisted himself in the crusade; but being always unprovided with money, he found that it would be impracticable for him to appear in a manner suitable to his rank and station at the head of his numerous vassals and subjects, who, transported with the general rage, were determined to follow him into Asia. He resolved, therefore, to mortgage, or rather to sell, his dominions, which he had not talents to govern, and he offered them to his brother William for the very unequal sum of ten thousand marks<sup>1</sup>. The bargain was soon concluded: the king raised the money by violent extortions on his subjects of all ranks, even on the convents, who were obliged to melt their plate in order to furnish the quota demanded of them:<sup>2</sup> he was put in possession of Normandy and Maine, and Robert, providing himself, set out for the Holy Land, in pursuit of glory, and in full confidence of securing his eternal salvation.

The smallness of this sum, with the difficulties which William found in raising it, suffices alone to refute the account which is heedlessly adopted by historians, of the enormous revenue of the Conqueror. Is

<sup>1</sup> W. Malm., p. 123; Chron. T. Wykes, p. 24; Annal. Waverl., p. 139; W. Hemm., p. 467; Flor. Wig., p. 648; Sim. Dunelm., p. 222; Knyghton, p. 2364.

<sup>2</sup> Eadmer, p. 35; W. Malm., p. 123; W. Hemm., p. 467.

it credible that Robert would consign to the rapacious hands of his brother such considerable dominions, for a sum which, according to that account, made not a week's income of his father's English revenue alone? Or that the King of England could not on demand, without oppressing his subjects, have been able to pay him the money? The Conqueror, it is agreed, was frugal as well as rapacious; yet his treasure at his death exceeded not 60,000*l.*, which hardly amounted to his income for two months: which is another certain refutation of that exaggerated account.

The fury of the crusades, during this age, less infected England than the neighbouring kingdoms; probably because the Norman conquerors, finding their settlement in that kingdom still somewhat precarious, durst not abandon their homes in quest of distant adventures. The selfish, interested spirit also of the king, which kept him from kindling in the general flame, checked its progress among his subjects; and as he is accused of open profaneness (G. Newbr., p. 358; W. Gemet., p. 292), and was endued with a sharp wit (W. Malm., p. 122), it is likely that he made the romantic chivalry of the crusaders the object of his perpetual raillery. As an instance of his irreligion, we are told that he once accepted of sixty marks from a Jew whose son had been converted to Christianity, and who engaged him by that present to assist him in bringing back the youth to Judaism. William employed both menaces and persuasion for that purpose; but finding the convert obstinate in his new faith, he sent for the father and told him that as he had not succeeded it was not just that he should keep the present; but as he had done his utmost, it was but equitable that he should be paid for his pains, and he would therefore retain only thirty marks of the money (Eadmer, p. 47). At another time, it is said he sent for some learned Christian theologians and some rabbis, and bade them fairly dispute the question of their religion in his presence: he was perfectly indifferent between them; had his ears open to reason and conviction; and would embrace that doctrine, which upon comparison should be found supported by the most solid arguments (W. Malm., p. 113). If this story be true, it is probable that he meant only to amuse himself by turning both into ridicule; but we must be cautious of admitting everything related by the monkish historians to the disadvantage of this prince; he had the misfortune to be engaged in quarrels with the ecclesiastics, particularly Anselm, commonly called St. Anselm, Archbishop of Canterbury; and it is no wonder his memory should be blackened by the historians of that order.

After the death of Lanfrance, the king for several years retained in his own hands the revenues of Canterbury, as he did those of many other vacant bishoprics, but falling into a dangerous sickness, he was seized with remorse, and the clergy represented to him that he was in danger of eternal perdition, if before his death he did not make atonement for those multiplied impieties and sacrileges of which he had been guilty (Eadmer, p. 16; Chron. Sax., p. 198). He resolved therefore to supply instantly the vacancy of Canterbury, and for that purpose he sent for Anselm, a Piedmontese by birth, Abbot of Bec, in Normandy, who was much celebrated for his learning and piety. The abbot earnestly refused the dignity, fell on his knees, wept, and en-

treated the king to change his purpose (Eadmer, p. 17; Dicoeto, p. 494); and when he found the prince obstinate in forcing the pastoral staff upon him, he kept his fist so fast clenched that it required the utmost violence of the bystanders to open it, and force him to receive that ensign of spiritual dignity (Eadmer, p. 18). William soon after recovered, and his passions regaining their wonted vigour, he returned to his former violence and rapine. He detained in prison several persons whom he had ordered to be freed during the time of his penitence; he still preyed upon the ecclesiastical benefices; the sale of spiritual dignities continued as open as ever; and he kept possession of a considerable part of the revenues belonging to the see of Canterbury (Eadmer, pp. 19, 43; Chron. Sax., p. 199). But he found in Anselm that persevering opposition which he had reason to expect from the ostentatious humility which that prelate had displayed in refusing his promotion to that see.

The opposition made by Anselm was the more dangerous on account of the character of piety which he soon acquired in England by his great zeal against all abuses, particularly those in dress and ornament. There was a mode, which in that age prevailed throughout Europe both among men and women, to give an enormous length to their shoes, to draw the toe to a sharp point, and to affix to it the figure of a bird's bill, or some such ornament, which was turned upwards, and which was often sustained by gold or silver chains tied to the knee.<sup>1</sup> The ecclesiastics took exception at this ornament, which they said was an attempt to belie the Scripture, where it is affirmed that no man can add a cubit to his stature; and they declaimed against it with great vehemence, nay, assembled some synods who absolutely condemned it. But such are the strange contradictions in human nature! though the clergy at that time could overturn thrones, and had authority sufficient to send above a million of men on their errand to the deserts of Asia, they could never prevail against these long-pointed shoes. On the contrary, that caprice, contrary to all other modes, maintained its ground during several centuries; and if the clergy had not at last desisted from their persecution of it, it might still have been the prevailing fashion in Europe.

But Anselm was more fortunate in decrying the particular mode which was the object of his aversion, and which probably had not taken such fast hold of the affections of the people. He preached zealously against the long hair and curled locks which were then fashionable among the courtiers; he refused the ashes on Ash Wednesday to those who were so accoutred; and his authority and eloquence had such influence, that the young men universally abandoned that ornament, and appeared in the cropped hair which was recommended to them by the sermons of the primate. The noted historian of Anselm, who was also his companion and secretary, celebrates highly this effort of his zeal and piety (Eadmer, p. 23).

When William's profaneness therefore returned to him with his health, he was soon engaged in controversies with this austere prelate. There was at that time a schism in the Church between Urban and Clement, who both pretended to the papacy (Hoveden, p. 463); and

<sup>1</sup> Order. Vital., p. 682; W. Malm., p. 123; Knyghton, p. 2369.

Anselm, who as Abbot of Bec had already acknowledged the former, was determined, without the king's consent, to introduce his authority into England.<sup>1</sup> William, who, imitating his father's example, had prohibited his subjects from recognising any pope whom he had not previously received, was enraged at this attempt, and summoned a synod at Rockingham, with an intention of deposing Anselm, but the prelate's suffragans declared that without the papal authority they knew of no expedient for inflicting that punishment on their primate (Eadmer, p. 30). The king was at last engaged by other motives to give the preference to Urban's title; Anselm received the pall from that pontiff, and matters seemed to be accommodated between the king and the primate (Diceto, p. 495), when the quarrel broke out afresh from a new cause. William had undertaken an expedition against Wales, and required the archbishop to furnish his quota of soldiers for that purpose; but Anselm, who regarded the demand as an oppression on the Church, and yet durst not refuse compliance, sent them so miserably accoutred that the king was extremely displeased, and threatened him with a prosecution (Eadmer, pp. 37, 43). Anselm, on the other hand, demanded positively that all the revenues of his see should be restored to him; appealed to Rome against the king's injustice (Ibid, p. 40); and affairs came to such extremities that the primate, finding it dangerous to remain in the kingdom, desired and obtained the king's permission to retire beyond sea. All his temporalities were seized (M. Paris, p. 13; Parker, p. 178), but he was received with great respect by Urban, who considered him as a martyr in the cause of religion, and even menaced the king, on account of his proceedings against the primate and the Church, with the sentence of excommunication. Anselm assisted at the council of Bari, where, besides fixing the controversy between the Greek and Latin Churches concerning the procession of the Holy Ghost,<sup>2</sup> the right of election to Church preferments was declared to belong to the clergy alone, and spiritual censures were denounced against all ecclesiastics who did homage to laymen for their fees or benefices, and against all laymen who exacted it (M. Paris, p. 14). The rite of homage, by the feudal customs, was that the vassal should throw himself on his knees, should put his joined hands between those of his superior, and should in that posture swear fealty to him (Spelman, Du Cange, in verb *Hominiūm*). But the council declared it execrable that pure hands, which could create God, and could offer Him up as a sacrifice for the salvation of mankind, should be put after this humiliating manner between profane hands, which, besides being inured to rapine and bloodshed, were employed day and night in impure purposes and obscene contracts.<sup>3</sup> Such were the reasonings prevalent in that age; reasonings which, though they cannot be passed over in silence without omitting the most curious, and perhaps not the least instructive part of history, can scarcely be delivered with the requisite decency and gravity.

The cession (A. D. 1097) of Normandy and Maine by Duke Robert increased the king's territories; but brought him no great increase of

<sup>1</sup> Eadmer, p. 29, M. Paris, p. 13; Diceto, p. 494, Spelm Conc, vol. II, p. 16

<sup>2</sup> Eadmer, p. 49, M. Paris, p. 13, Sim Dun, p. 224

<sup>3</sup> W. Heming, p. 467, Flor Wigorn, p. 649, Sim Dunelm, p. 224, Brompton, p. 994.

power, because of the unsettled state of those countries, the mutinous disposition of the barons, and the vicinity of the French king, who supported them in all their insurrections. Even Helie, Lord of la Fleche, a small town in Anjou, was able to give him inquietude, and this great monarch was obliged to make several expeditions abroad, without being able to prevail over so petty a baron, who had acquired the confidence and affections of the inhabitants of Maine. He was however so fortunate as at last to take him prisoner in a rencounter; but having released him at the intercession of the French king and the Count of Anjou, he found the province of Maine still exposed to his intrigues and incursions. Helie, being introduced by the citizens into the town of Mans, besieged the garrison in the citadel. William, who was hunting in the New Forest when he (A.D. 1099) received intelligence of this hostile attempt, was so provoked that he immediately turned his horse and galloped to the sea shore at Dartmouth, declaring that he would not stop a moment till he had taken vengeance for the offence. He found the weather so cloudy and tempestuous that the mariners thought it dangerous to put to sea. But the king hurried on board and ordered them to set sail instantly, telling them that they never yet heard of a king that was drowned<sup>1</sup>. By this vigour and celerity he delivered the citadel of Mans from its present danger, and pursuing Helie into his own territories, he laid siege to Majol, a small castle in those parts; but a wound which he received before this place obliged (A.D. 1100) him to raise the siege, and return to England.

The weakness of the greatest monarchs, during this age, in their military expeditions against their nearest neighbours, appears the more surprising when we consider the prodigious numbers which even petty princes, seconding the enthusiastic rage of the people, were able to assemble and to conduct in dangerous enterprises to the remote provinces of Asia. William, Earl of Poitiers and Duke of Guenne, inflamed with the glory, and not discouraged by the misfortunes, which had attended the former adventurers in the crusades, had put himself at the head of an immense multitude, computed by some historians to amount to 60,000 horse, and a much greater number of foot;<sup>2</sup> and he purposed to lead them into the Holy Land against the infidels. He wanted money to forward the preparations requisite for this expedition, and he offered to mortgage all his dominions to William, without entertaining any scruple on account of that rapacious and iniquitous hand to which he resolved to consign them (W. Malm., p. 127). The king accepted the offer, and had prepared a fleet and an army in order to escort the money and take possession of the rich provinces of Guenne and Poitou; when an accident (August) put an end to his life and to all his ambitious projects. He was engaged in hunting, the sole amusement, and indeed the chief occupation of princes in those rude times, when society was little cultivated, and the arts afforded few objects worthy of attention. Walter Tyrrel, a French gentleman, remarkable for his address in archery, attended him in this recreation, of which the New Forest was the scene; and as William had dismounted after a chase, Tyrrel, impatient to show his dexterity, let fly

<sup>1</sup> W. Malm., p. 124; H. Hunt., p. 378; M. Paris, p. 36. Ypod. Neust., p. 442.

<sup>2</sup> W. Malm., p. 149. The whole is said by Order. Vital., p. 789, to amount to 300,000 men.

an arrow at a stag which suddenly started before him. The arrow glancing from a tree struck the king in the breast and instantly slew him<sup>1</sup>; while Tyrrel, without informing any one of the accident, put spurs to his horse, hastened to the sea shore, embarked for France, and joined the crusade in an expedition to Jerusalem; a penance which he imposed on himself for this involuntary crime. The body of William was found in the forest by the country people, and was buried without any pomp or ceremony at Winchester. His courtiers were negligent in performing the last duties to a master who was so little beloved; and every one was too much occupied in the interesting object of fixing his successor to attend the funeral of a dead sovereign.

The memory of this monarch is transmitted to us with little advantage by the churchmen whom he had offended; and though we may suspect, in general, that their account of his vices is somewhat exaggerated, his conduct affords little reason for contradicting the character which they have assigned him, or for attributing to him any very estimable qualities. He seems to have been a violent and tyrannical prince, a perfidious, encroaching, and dangerous neighbour; an unkind and ungenerous relation. He was equally prodigal and rapacious in the management of his treasury; and if he possessed abilities, he lay so much under the government of impetuous passions, that he made little use of them in his administration; and he indulged without reserve that domineering policy which suited his temper, and which, if supported, as it was in him, with courage and vigour, proves often more successful in disorderly times than does the deepest foresight and the most refined artifice.

The monuments which remain of this prince in England are the Tower, Westminster Hall, and London Bridge, which he built. The most laudable foreign enterprise which he undertook was the sending of Edgar Atheling, three years before his death, into Scotland with a small army to restore prince Edgar, the true heir of that kingdom, son of Malcolm and of Margaret, sister of Edgar Atheling, and the enterprise proved successful. It was remarked in that age, that Richard, an elder brother of William's, perished by an accident in the New Forest; Richard, his nephew, natural son of Duke Robert, lost his life in the same place, after the same manner; and all men, upon the king's fate, exclaimed, that as the Conqueror had been guilty of extreme violence in expelling all the inhabitants of that large district to make room for his game, the just vengeance of Heaven was signalled in the same place by the slaughter of his posterity. William was killed in the thirteenth year of his reign, and about the fortieth of his age. As he was never married, he left no legitimate issue.

In the eleventh year of his reign, Magnus, King of Norway, made a descent on the Isle of Anglesea, but was repulsed by Hugh, Earl of Shrewsbury. This is the last attempt made by the northern nations upon England. That restless people seem about this time to have learned the practice of tillage, which thenceforth kept them at home, and freed the other nations of Europe from the devastations spread over them by those piratical invaders. This proved one great cause of the subsequent settlement and improvement of the southern nations.

<sup>1</sup> W. Malm, p. 126. H. Hunt, p. 378; M. Pans, p. 37, Petr. Bles, p. 120.

## CHAPTER VI.

## HENRY I.

*The Crusades—Accession of Henry.—Marriage of the king.—Invasion by Duke Robert.—Accommodation with Robert.—Attack of Normandy.—Conquest of Normandy—Continuation of the quarrel with Anselm, the primate.—Compromise with him—Wars abroad.—Death of Prince William.—King's second marriage.—Death—and character of Henry.*

AFTER the adventurers in the holy war were assembled on the banks of the Bosphorus, opposite to Constantinople, they proceeded on their enterprise; but immediately experienced those difficulties which their zeal had hitherto concealed from them, and for which, even if they had foreseen them, it would have been almost impossible to provide a remedy. The Greek emperor, Alexius Comnenus, who had applied to the Western Christians for succour against the Turks, entertained hopes, and those but feeble ones, of obtaining such a moderate supply, as acting under his command might enable him to repulse the enemy; but he was extremely astonished to see his dominions overwhelmed on a sudden by such an inundation of licentious barbarians, who, though they pretended friendship, despised his subjects as unwarlike, and detested them as heretical. By all the arts of policy in which he excelled, he endeavoured to divert the torrent; but while he employed professions, caresses, civilities, and seeming services towards the leaders of the crusade, he secretly regarded those imperious allies as more dangerous than the open enemies by whom his empire had been formerly invaded. Having effected that difficult point of disembarking them fairly in Asia, he entered into a private correspondence with Soliman, Emperor of the Turks, and practised every insidious art which his genius, his power, or his situation enabled him to employ for disappointing the enterprise, and discouraging the Latins from making thenceforward any such prodigious migrations. His dangerous policy was seconded by the disorders inseparable from so vast a multitude who were not united under one head, and were conducted by leaders of the most independent, intractable spirit, unacquainted with military discipline, and determined enemies to civil authority and submission. The scarcity of provisions, the excesses of fatigue, the influence of unknown climates, joined to the want of concert in their operations, and to the sword of a warlike enemy, destroyed the adventurers by thousands, and would have abated the ardour of men impelled to war by less powerful motives. Their zeal however, their bravery, and their irresistible force still carried them forward, and continually advanced them to the great end of their enterprise. After an obstinate siege, they took Nice, the seat of the Turkish empire; they defeated Soliman in two great battles; they made themselves masters of Antioch, and entirely broke the force of the Turks who had so long retained those countries in subjection. The Soldan of Egypt, whose alliance they had hitherto courted, recovered, on the

fall of the Turkish power, his former authority in Jerusalem; and he informed them by his ambassadors, that if they came disarmed to that city, they might now perform their religious vows, and that all Christian pilgrims, who should thenceforth visit the holy sepulchre, might expect the same good treatment which they had ever received from his predecessors. The offer was rejected; the soldan was required to yield up the city to the Christians, and on his refusal the champions of the cross advanced to the siege of Jerusalem, which they regarded as the consummation of their labours. By the detachments which they had made, and the disasters which they had undergone, they were diminished to the number of twenty thousand foot and fifteen hundred horse; but these were still formidable, from their valour, their experience, and the obedience which from past calamities they had learned to pay to their leaders. After a siege of five weeks, they took Jerusalem by assault, and impelled by a mixture of military and religious rage, they put the numerous garrison and inhabitants to the sword without distinction. Neither arms defended the valiant, nor submission the timorous; no age or sex was spared; infants on the breast were pierced by the same blow with their mothers, who implored for mercy; even a multitude, to the number of ten thousand persons who had surrendered themselves prisoners, and were promised quarter, were butchered in cool blood by those ferocious conquerors (Vertot, vol. i, p. 57). The streets of Jerusalem were covered with dead bodies,<sup>1</sup> and the triumphant warriors, after every enemy was subdued and slaughtered, immediately turned themselves with the sentiments of humiliation and contrition towards the holy sepulchre. They threw aside their arms, still streaming with blood; they advanced with reclined bodies, and naked feet and heads to that sacred monument, they sung anthems to their Saviour who had there purchased their salvation by His death and agony; and their devotion, enlivened by the presence of the place where He had suffered, so overcome their fury, that they dissolved in tears, and bore the appearance of every soft and tender sentiment. So inconsistent is human nature with itself! and so easily does the most effeminate superstition ally both with the most heroic courage and with the fiercest barbarity!

This great event happened on the fifth of July, in the last year of the eleventh century. The Christian princes and nobles, after choosing Godfrey of Bouillon, king of Jerusalem, began to settle themselves in their new conquests; while some of them returned to Europe in order to enjoy at home that glory which their valour had acquired them in this popular and meritorious enterprise. Among these was Robert, Duke of Normandy, who, as he had relinquished the greatest dominions of any prince that attended the crusade, had all along distinguished himself by the most intrepid courage, as well as by that affable disposition and unbounded generosity which gain the hearts of soldiers, and qualify a prince to shine in a military life. In passing through Italy, he became acquainted with Sibylla, daughter of the Count of Conversana, a young lady of great beauty and merit, whom he espoused; indulging himself in this new passion, as well as fond of

<sup>1</sup> M. Paris, p. 34. Order. Vital, p. 756, Dacetot, p. 498



enjoying ease and pleasure after the fatigues of so many rough campaigns, he lingered a twelvemonth in that delicious climate, and though his friends in the north looked every moment for his arrival, none of them knew when they could with certainty expect it. By this delay he lost the kingdom of England, which the great fame he had acquired during the crusades, his undoubted title, both by birth and by the preceding agreement with his deceased brother would, had he been present, have infallibly secured to him.

Prince Henry was hunting with Rufus in the New Forest, when intelligence of that monarch's death was brought him; and being sensible of the advantage attending the conjuncture, he hurried to Winchester in order to secure the royal treasure, which he knew to be a necessary implement for facilitating his designs on the crown. He had scarcely reached the place, when William de Breteuil, keeper of the treasure, arrived, and opposed himself to Henry's pretensions. This nobleman, who had engaged in the same party of hunting, had no sooner heard of his master's death, than he hastened to take care of his charge, and he told the prince that this treasure, as well as the crown, belonged to his elder brother, who was now his sovereign; and that he himself, for his part, was determined, in spite of all other pretensions, to maintain his allegiance to him. But Henry, drawing his sword, threatened him with instant death if he dared to disobey him; and as others of the late king's retinue, who came every moment to Winchester, joined in the prince's party, William de Breteuil was obliged to withdraw his opposition, and to acquiesce in this violence (Order. Vital, p. 782).

Henry, without losing a moment, hastened with the money to London; and having assembled some noblemen and prelates, whom his address or abilities or presents gained to his side, he was suddenly elected, or rather saluted as king; and immediately proceeded to the exercise of royal authority. In less than three days after his brother's death, the ceremony of coronation was performed by Maurice, Bishop of London, who was persuaded to officiate on that occasion (Chron. Sax., p. 208; Order Vital, p. 783), and thus, by his courage and celerity he intruded himself into the vacant throne. No one had sufficient spirit or sense of duty to appear in defence of the absent prince; all men were seduced or intimidated; present possession supplied the apparent defects in Henry's title, which was indeed founded on plain usurpation; and the barons, as well as the people, acquiesced in a claim which, though it could never be justified nor comprehended, could now, they found, be opposed through the perils alone of civil war and rebellion.

But as Henry foresaw that a crown, usurped against all rules of justice, would sit unsteady on his head, he resolved by fair professions at least to gain the affections of all his subjects. Besides taking the usual coronation oath to maintain the laws and execute justice, he passed a charter which was calculated to remedy many of the grievous oppressions which had been complained of during the reigns of his father and brother (Chron. Sax., p. 208; Sim Dunelm., p. 225). He there promised that at the death of any bishop or abbot he would never seize the revenues of the see or abbey during the vacancy, but would

leave the whole to be reaped by the successor, and that he would never let to farm any ecclesiastical benefice, nor dispose of it for money. After this concession to the Church, whose favour was of so great importance, he proceeded to enumerate the civil grievances which he purposed to redress. He promised that, upon the death of an earl, baron, or military tenant, his heir should be admitted to the possession of his estate, on paying a just and lawful relief, without being exposed to such violent exactions as had been usual during the late reigns; he admitted the wardship of minors, and allowed guardians to be appointed, who should be answerable for the trust; he promised not to dispose of any heiress in marriage, but by the advice of all the barons; and if any baron intended to give his daughter, sister, niece, or kinswoman in marriage, it should only be necessary for him to consult the king, who promised to take no money for his consent, nor ever to refuse permission, unless the person to whom it was purposed to marry her should happen to be his enemy; he granted his barons and military tenants the power of bequeathing, by will, their money or personal estates; and if they neglected to make a will he promised that their heirs should succeed to them; he renounced the right of imposing moneyage, and of levying taxes at pleasure on the farms which the barons retained in their own hands (Appendix ii.); he made some general professions of moderating fines; he offered a pardon for all offences; and he remitted all debts due to the crown; he required that the vassals of the barons should enjoy the same privileges which he granted to his own barons; and he promised a general confirmation and observance of the laws of King Edward. This is the substance of the chief articles contained in that famous charter.<sup>1</sup>

To give greater authenticity to these concessions, Henry lodged a copy of his charter in some abbey of each county, as if desirous that it should be exposed to the view of all his subjects, and remain a perpetual rule for the limitation and direction of his government; yet it is certain that, after the present purpose was served, he never once thought, during his reign, of observing one single article of it; and the whole fell so much into neglect and oblivion, that in the following century, when the barons who had heard an obscure tradition of it, desired to make it the model of the great charter which they exacted from King John, they could with difficulty find a copy of it in the kingdom. But as to the grievances here meant to be redressed, they were still continued in their full extent; and the royal authority, in all those particulars, lay under no manner of restriction. Reliefs of heirs, so capital an article, were never effectually fixed till the time of Magna Charta,<sup>2</sup> and it is evident that the general promise here given of accepting a just and lawful relief, ought to have been reduced to more precision, in order to give security to the subject. The oppression of wardship and marriage was perpetuated even till the reign of Charles II.; and it appears from Glanville,<sup>3</sup> the famous justiciary of

<sup>1</sup> Matth Paris, p. 38, Hoveden, p. 468; Brompton, p. 1021; Hagulstad, p. 310

<sup>2</sup> Glan. lib. ii, cap. 36. What is called a relief in the Conqueror's laws, preserved by Ingulf, seems to have been the heriot, since reliefs, as well as the other burdens of the feudal law, were unknown in the age of the Confessor, whose laws these originally were

<sup>3</sup> Lib. vi, cap. 16. This practice was contrary to the laws of King Edward, ratified by the Conqueror, as we learn from Ingulf, p. 91. But laws had at that time very little influence; power and violence governed everything

Henry II., that in his time, where any man died intestate, an accident which must have been very frequent when the art of writing was so little known, the king, or the lord of the fief, pretended to seize all the movables and exclude every heir, even the children of the deceased: a sure mark of a tyrannical and arbitrary government.

The Normans indeed, who domineered in England, were, during this age, so licentious a people, that they may be pronounced incapable of any true or regular liberty; which requires such improvement in knowledge and morals, as can only be the result of reflection and experience, and must grow to perfection during several ages of settled and established government. A people so sensible to the rights of their sovereign, as to disjoint, without necessity, the hereditary succession, and permit a younger brother to intrude himself into the place of the elder, whom they esteemed, and who was guilty of no crime but being absent, could not expect that that prince would pay any greater regard to their privileges, or allow his engagements to fetter his power, and debar him from any considerable interest or convenience. They had indeed arms in their hands, which prevented the establishment of a total despotism, and left their posterity sufficient power, whenever they should attain a sufficient degree of reason, to assume true liberty, but their turbulent disposition frequently prompted them to make such use of their arms, that they were more fitted to obstruct the execution of justice than to stop the career of violence and oppression. The prince, finding that greater opposition was often made to him when he enforced the laws than when he violated them, was apt to render his own will and pleasure the sole rule of government; and on every emergence, to consider more the power of the persons whom he might offend, than the rights of those whom he might injure. The very form of this charter of Henry proves that the Norman barons (for they, rather than the people of England, are chiefly concerned in it) were totally ignorant of the nature of limited monarchy, and were ill qualified to conduct, in conjunction with their sovereign, the machine of government. It is an act of his sole power, is the result of his free grace, contains some articles which bind others as well as himself, and is therefore unfit to be the deed of any one who possesses not the whole legislative power, and who may not at pleasure revoke all concessions.

Henry, further to increase his popularity, degraded and committed to prison Ralph Flambard, Bishop of Durham, who had been the chief instrument of oppression under his brother.<sup>1</sup> But this act was followed by another, which was a direct violation of his own charter, and was a bad prognostic of his sincere intentions to observe it. He kept the see of Durham vacant for five years, and during that time retained possession of all its revenues. Sensible of the great authority which Anselm had acquired by his character of piety, and by the persecutions which he had undergone from William, he sent repeated messages to him at Lyons, where he resided, and invited him to return and take possession of his dignities.<sup>2</sup> On the arrival of the prelate, he proposed to him the renewal of that homage which he had done his brother, and

<sup>1</sup> Chron. Sax., p. 208; W. Malm., p. 156, Matt. Paris, p. 39, Alur. Beverl. p. 144.

<sup>2</sup> Chron. Sax., p. 208, Order. Vital., p. 783; Matt. Paris, p. 39; T. Rudborne, p. 273.

which had never been refused by any English bishop. But Anselm had acquired other sentiments by his journey to Rome, and gave the king an absolute refusal. He objected the decrees of the council of Bari, at which he himself had assisted; and he declared that, so far from doing homage for his spiritual dignity, he would not so much as communicate with any ecclesiastic who paid them that submission, or who accepted of investitures from laymen. Henry, who expected, in his present delicate situation, to reap great advantages from the authority and popularity of Anselm, durst not insist on his demand (*W. Malm.*, p. 225). He only desired that the controversy might be suspended; and that messengers might be sent to Rome, in order to accommodate matters with the Pope, and obtain his confirmation of the laws and customs of England.

There immediately occurred an important affair, in which the king was obliged to have recourse to the authority of Anselm. Matilda, daughter of Malcolm III., King of Scotland, and niece of Edgar Atheling, had, on her father's death, and the subsequent revolutions in the Scottish government, been brought to England, and educated under her aunt, Christina, in the nunnery of Romsey. This princess Henry purposed to marry; but as she had worn the veil, though never taken the vows, doubts might arise concerning the lawfulness of the act; and it behoved him to be very careful not to shock, in any particular, the religious prejudices of his subjects. The affair was examined by Anselm in a council of the prelates and nobles, which was summoned at Lambeth. Matilda there proved that she had put on the veil, not with a view of entering into a religious life, but merely in consequence of a custom, similar to the English ladies, who protected their chastity from the brutal violence of the Normans, by taking shelter under that habit (*Eadmer*, p. 57), which, amidst the horrible licentiousness of the times, was yet generally revered. The council, sensible that even a princess had otherwise no security for her honour, admitted this reason as valid; they pronounced that Matilda was still free to marry (*Ibid.*), and her espousals with Henry were celebrated by Anselm with great pomp and solemnity (*Hoveden*, p. 468). No act of the king's reign rendered him equally popular with his English subjects, and tended more to establish him on the throne. Though Matilda, during the life of her uncle and brothers, was not heir of the Saxon line, she was become very dear to the English on account of her connections with it; and that people who, before the conquest, had fallen into a kind of indifference towards their ancient royal family, had felt so severely the tyranny of the Normans that they reflected with extreme regret on their former liberty, and hoped for a more equal and mild administration, when the blood of their native princes should be mingled with that of their new sovereigns (*M. Paris*, p. 40).

But the policy and prudence of Henry, which, if time had been allowed for these virtues to produce their full effect, would have secured him possession of the crown, ran great hazard of being frustrated by the sudden appearance of Robert, who returned to Normandy about a month after the death of his brother William. He (A.D. 1101) took possession, without opposition, of that duchy, and immediately made preparations for recovering England, of which, during his absence, he

had, by Henry's intrigues, been so unjustly defrauded. The great fame which he had acquired in the East forwarded his pretensions; and the Norman barons, sensible of the consequences, expressed the same discontent at the separation of the duchy and kingdom which had appeared on the accession of William. Robert de Belesme, Earl of Shrewsbury and Arundel, William de la Warrenne, Earl of Surrey, Arnulf de Montgomery, Walter Giffard, Robert de Pontefract, Robert de Mallet, Yvo de Grentmesnil, and many others of the principal nobility (Order Vital., p. 785), invited Robert to make an attempt upon England, and promised, on his landing, to join him with all their forces. Even the seamen were affected with the general popularity of his name, and they carried over to him the greater part of a fleet which had been equipped to oppose his passage. Henry, in this extremity, began to be apprehensive for his life, as well as for his crown; and had recourse to the superstition of the people in order to oppose their sentiment of justice. He paid diligent court to Anselm, whose sanctity and wisdom he pretended to revere. He consulted him in all difficult emergencies, seemed to be governed by him in every measure, promised a strict regard to ecclesiastical privileges, professed a great attachment to Rome, and a resolution of persevering in an implicit obedience to the decrees of councils and to the will of the sovereign pontiff. By these caresses and declarations he entirely gained the confidence of the primate, whose influence over the people, and authority with the barons, were of the utmost service to him in his present situation. Anselm scrupled not to assure the nobles of the king's sincerity in those professions which he made of avoiding the tyrannical and oppressive government of his father and brother, he even rode through the ranks of the army, recommended to the soldiers the defence of their prince, represented the duty of keeping their oaths of allegiance, and prognosticated to them the greatest happiness from the government of so wise and just a sovereign. By this expedient, joined to the influence of the Earls of Warwick and Mellent, of Roger Bigod, Richard de Redvers, and Robert Fitz-Hamon, powerful barons, who still adhered to the present government, the army was retained in the king's interests, and marched, with seeming union and firmness, to oppose Robert who had landed with his forces at Portsmouth.

The two armies lay in sight of each other for some days without coming to action; and both princes being apprehensive of the event, which would probably be decisive, hearkened the more willingly to the counsels of Anselm and the other great men who mediated an accommodation between them. After employing some negotiation, it was agreed that Robert should resign his pretensions to England, and receive in lieu of them an annual pension of 3000 marks; that if either of the princes died without issue, the other should succeed to his dominions; that the adherents of each should be pardoned and restored to all their possessions, either in Normandy or England; and that neither Robert nor Henry should thenceforth encourage, receive, or protect the enemies of the other (Chron. Sax., p. 209).

This treaty, though calculated so much for Henry's advantage, he was (A.D. 1102) the first to violate. He restored indeed the estates of all Robert's adherents, but was secretly determined that noblemen so

powerful and so ill affected, who had both inclination and ability to disturb his government, should not long remain unmolested in their present opulence and grandeur. He began with the Earl of Shrewsbury, who was watched for some time by spies, and then indicted on a charge consisting of forty-five articles. This turbulent nobleman, knowing his own guilt as well as the prejudices of his judges, and the power of his prosecutor, had recourse to arms for defence: but being soon suppressed by the activity and address of Henry, he was banished the kingdom, and his great estate was confiscated. His ruin involved that of his two brothers, Arnulf de Montgomery, and Roger, Earl of Lancaster. Soon after (A.D. 1103) followed the prosecution and condemnation of Robert de Pontefract and Robert de Mallet, who had distinguished themselves among Robert's adherents. William de Warrenne was the next victim even William, Earl of Cornwall, son of the Earl of Montaigne, the king's uncle, having given matter of suspicion against him, lost all the vast acquisitions of his family in England. Though the usual violence and tyranny of the Norman barons afforded a plausible pretence for those prosecutions, and it is probable that none of the sentences pronounced against these noblemen were wholly iniquitous; men easily saw, or conjectured, that the chief part of their guilt was not the injustice or illegality of their conduct. Robert, enraged at the fate of his friends, imprudently ventured to come into England; and he remonstrated with his brother in severe terms against this breach of treaty, but met with so bad a reception that he began to apprehend danger to his own liberty, and was glad to purchase an escape by resigning his pension.

The indiscretion of Robert soon exposed him to more fatal injuries. This prince, whose bravery and candour procured him respect while at a distance, had no sooner attained the possession of power and enjoyment of peace, than all the vigour of his mind relaxed; and he fell into contempt among those who approached his person or were subjected to his authority. Alternately abandoned to dissolute pleasures and to womanish superstition, he was so remiss, both in the care of his treasure and the exercise of his government, that his servants pillaged his money with impunity, stole from him his very clothes, and proceeded thence to practise every species of extortion on his defenceless subjects. The barons, whom a severe administration alone could have restrained, gave reins to their unbounded rapine upon their vassals, and inveterate animosities against each other; and all Normandy, during the reign of this benign prince, was become a scene of violence and depredation. The Normans at last, observing the regular government which Henry, notwithstanding his usurped title, had been able to establish in England, applied to him, that he might use his authority for the suppression of these disorders; and they thereby afforded him a pretence for interposing in the affairs of Normandy. Instead of employing his mediation to render his brother's government respectable, or to redress the grievances of the Normans; he was only attentive to support his own partisans, and to increase their number by every art of bribery, intrigue, and insinuation. Having found, in a visit which he made to that duchy, that the nobility were more disposed to pay submission to him than to their legal sovereign, he collected, by arbi-

trary extortions on England, a great army and treasure, and (A.D. 1105) returned next year to Normandy, in a situation to obtain, either by violence or corruption, the dominion of that province. He took Bayeux by storm after an obstinate siege; he made himself master of Caen by the voluntary submission of the inhabitants. but being repulsed at Falaise, and obliged by the winter season to raise the siege, he returned into England, after giving assurances to his adherents that he would persevere in supporting and protecting them.

Next year he opened the campaign with the siege of Tenchebray; and it became evident, from his preparations and progress, that he intended to usurp the entire possession of Normandy. Robert was at last roused from his lethargy; and being supported by the Earl of Montaigne and Robert de Bellesme, the king's inveterate enemies, he (A.D. 1106) raised a considerable army, and approached his brother's camp, with a view of finishing, in one decisive battle, the quarrel between them. He was now entered on that scene of action in which alone he was qualified to excel, and he so animated his troops by his example, that they threw the English into disorder, and had nearly obtained the victory,<sup>1</sup> when the flight of Bellesme spread a panic among the Normans, and occasioned their total defeat. Henry, besides doing great execution on the enemy, made near ten thousand prisoners; among whom was Duke Robert himself, and all the most considerable barons who adhered to his interests.<sup>2</sup> This victory was followed by the final reduction of Normandy; Rouen immediately submitted to the conqueror; Falaise, after some negotiation, opened its gates; and by this acquisition, besides rendering himself master of an important fortress, he got into his hands Prince William, the only son of Robert. He assembled the states of Normandy; and having received the homage of all the vassals of the duchy, having settled the government, revoked his brother's donations, and dismantled the castles lately built, he returned into England, and carried along with him the duke as prisoner. That unfortunate prince was detained in custody during the remainder of his life, which was no less than twenty-eight years, and he died in the castle of Cardiff, in Glamorganshire, happy if, without losing his liberty, he could have relinquished that power which he was not qualified either to hold or exercise. Prince William was committed to the care of Hele de St Saen, who had married Robert's natural daughter, and who being a man of probity and honour, beyond what was usual in those ages, executed the trust with great affection and fidelity. Edgar Atheling, who had followed Robert in the expedition to Jerusalem, and who had lived with him ever since in Normandy, was another illustrious prisoner, taken (A.D. 1106) in the battle of Tenchebray (Chron. Sax., p. 214, Ann. Waveil, p. 144). Henry gave him his liberty, and settled a small pension on him, with which he retired; and he lived to a good old age in England, totally neglected and forgotten. This prince was distinguished by personal bravery: but nothing can be a stronger proof of his mean talents in every other respect, than that, notwithstanding he possessed the affections of the English, and enjoyed the only legal title to the throne, he was allowed,

<sup>1</sup> H. Hunt, p. 379, M. Paris, p. 43; Brompton, p. 1002.

<sup>2</sup> Eadmer, p. 90; Chron. Sax., p. 214, Order Vital, p. 822.

during the reigns of so many violent and jealous usurpers, to live unmolested, and go to his grave in peace.

A little after Henry had completed the conquest of Normandy, and settled the government of that province, he (A. D. 1107) finished a controversy, which had been long depending between him and the Pope, with regard to the investitures in ecclesiastical benefices; and though he was here obliged to relinquish some of the ancient rights of the crown, he extricated himself from the difficulty on easier terms than most princes, who, in that age, were so unhappy as to be engaged in disputes with the apostolic see. The king's situation, in the beginning of his reign, obliged him to pay great court to Anselm the advantages which he had reaped from the zealous friendship of that prelate had made him sensible how prone the minds of his people were to superstition, and what an ascendant the ecclesiastics had been able to assume over him. He had seen, on the accession of his brother Rufus, that, though the rights of primogeniture were then violated, and the inclinations of almost all the barons thwarted, yet the authority of Lanfranc, the primate, had prevailed over all other considerations, his own case, which was still more unfavourable, afforded an instance in which the clergy had more evidently shown their influence and authority. These recent examples, while they made him cautious not to offend that powerful body, convinced him at the same time that it was extremely his interest to retain the former prerogative of the crown in filling offices of such vast importance, and to check the ecclesiastics in that independence to which they visibly aspired. The choice which his brother, in a fit of penitence, had made of Anselm, was so far unfortunate to the king's pretensions, that this prelate was celebrated for his piety and zeal and austerity of manners; and though his monkish devotion and narrow principles prognosticated no great knowledge of the world or depth of policy, he was, on that very account, a more dangerous instrument in the hands of politicians, and retained a greater ascendant over the bigoted populace. The prudence and temper of the king appear in nothing more conspicuous than in the management of this delicate affair; where he was always sensible that it had become necessary for him to risk his whole crown, in order to preserve the most invaluable jewel of it (Eadmer, p. 56).

Anselm had no sooner returned from banishment, than his refusal to do homage to the king raised a dispute, which Henry evaded at that critical juncture by promising to send a messenger in order to compound the matter with Pascal II. who then filled the papal throne. The messenger, as was probably foreseen, returned with an absolute refusal of the king's demands (W. Malm, p. 225), and that fortified by many reasons, which were well qualified to operate on the understandings of men in those ages. Pascal quoted the Scriptures, to prove that Christ was the door, and he thence inferred that all ecclesiastics must enter into the Church through Christ alone, not through the civil magistrate, or any profane layman<sup>1</sup> 'It is monstrous,' added the pontiff, 'that a son should pretend to beget his father, or a man to create his God. Priests are called gods in Scripture, as being the vicars of God:

<sup>1</sup> Eadmer, p. 60 This topic is further enforced in p. 73, 74, also W. Malm, p. 163.



‘and will you, by your abominable ‘pretensions to grant them their ‘investiture, assume the right of creating them?’<sup>1</sup>

But how convincing soever these arguments, they could not persuade Henry to resign so important a prerogative, and perhaps as he was possessed of great reflection and learning, he thought that the absurdity of a man’s creating his God, even allowing priests to be gods, was not urged with the best grace by the Roman pontiff. But as he desired still to avoid, at least to delay, the coming to any dangerous extremity with the Church, he persuaded Anselm that he should be able by further negotiations, to attain some composition with Pascal; and for that purpose he despatched three bishops to Rome, while Anselm sent two messengers of his own to be more fully assured of the Pope’s intentions (Eadmer, p. 62, W. Malm., p. 225). Pascal wrote back letters equally positive and arrogant, both to the king and primate; urging to the former, that by assuming the right of investitures, he committed a kind of spiritual adultery with the Church, who was the spouse of Christ, and who must not admit of such a commerce with any other person (Eadmer, p. 63), and insisting with the latter that the pretension of kings to confer the investiture of benefices was the source of all simony, a topic which had but too much foundation in those ages (Eadmer, p. 64, 66).

Henry had now no other expedient than to suppress the letter addressed to himself, and to persuade the three bishops to prevaricate, and assert upon their episcopal faith that Pascal had assured them in private of his good intentions towards Henry, and of his resolution not to resent any future exertion of his prerogative in granting investitures; though he himself scrupled to give this assurance under his hand, lest other princes should copy the example and assume a like privilege (Eadmer, p. 65, W. Malm., p. 225). Anselm’s two messengers, who were monks, affirmed to him that it was impossible this story could have any foundation. But their word was not deemed equal to that of the three bishops, and the king, as if he had finally gained his cause, proceeded to fill the sees of Hereford and Salisbury, and to invest the new bishops in the usual manner<sup>2</sup>. But Anselm, who, as he had good reason, gave no credit to the asseveration of the king’s messengers, refused not only to consecrate them, but even to communicate with them; and the bishops themselves, finding how odious they were become, returned to Henry the ensigns of their dignity. The quarrel every day increased between the king and the primate: the former, notwithstanding the prudence and moderation of his temper, threw out menaces against such as should pretend to oppose him in exerting the ancient prerogatives of his crown, and Anselm, sensible of his own dangerous situation, desired leave to make a journey to Rome in order to lay the case before the sovereign pontiff. Henry, well pleased to rid himself without violence of so inflexible an antagonist, readily granted him permission. The prelate was attended to the shore by infinite multitudes, not only monks and clergymen, but people of all ranks, who

<sup>1</sup> Eadmer, p. 62. I much suspect that this text of Scripture is a forgery of his house; for I have not been able to find it. Yet it passed current in those ages, and was often quoted by the clergy as the foundation of their power. *Epist. St. Thom.*, p. 169.

<sup>2</sup> Eadmer, p. 66, W. Malm., p. 225; Hoveden, p. 469, *Sim. Dunelm.*, p. 228.

scrupled not in this manner to declare for their primate against their sovereign, and who regarded his departure as the final abolition of religion and true piety in the kingdom (Eadmer, p. 71). The king, however, seized all the revenues of his see, and sent William de Warelwast to negotiate with Pascal, and to find some means of accommodation in this delicate affair.

The English minister told Pascal that his master would rather lose his crown than part with the right of granting investitures. 'And I,' replied Pascal, 'would rather lose my head than allow him to retain it.'<sup>1</sup> Henry secretly prohibited Anselm from returning, unless he resolved to conform himself to the laws and usages of the kingdom; and the primate took up his residence at Lyons, in expectation that the king would at last be obliged to yield the point, which was the present object of controversy between them. Soon after, he was permitted to return to his monastery at Bec, in Normandy; and Henry, besides restoring to him the revenues of his see, treated him with the greatest respect, and held several conferences with him, in order to soften his opposition, and bend him to submission (Hoveden, p. 471). The people of England, who thought all differences now accommodated, were inclined to blame their primate for absenting himself so long from his charge; and he daily received letters from his partisans, representing the necessity of his speedy return. The total extinction, they told him, of religion and Christianity was likely to ensue from the want of his fatherly care. They represented that the most shocking customs prevailed in England; and the dread of his severity being now removed, sodomy, and the practice of wearing long hair, gained ground among all ranks of men, and these enormities openly appeared everywhere, without sense of shame or fear of punishment (Eadmer, p. 81).

The policy of the court of Rome has commonly been much admired; and men, judging by success, have bestowed the highest eulogies on that prudence by which a power, from such slender beginnings, could advance without force of arms to establish an universal and almost absolute monarchy in Europe. But the wisdom of so long a succession of men who filled the papal throne, and who were of such different ages, tempers, and interests, is not intelligible, and could never have place in nature. The instrument indeed with which they wrought, the ignorance and superstition of the people, is so gross an engine, of such universal prevalence, and so little liable to accident or disorder, that it may be successful even in the most unskilful hands, and scarce any indiscretion can frustrate its operations. While the court of Rome was openly abandoned to the most flagrant disorders, even while it was torn with schisms and factions, the power of the Church daily made a sensible progress in Europe, and the temerity of Gregory, and caution of Pascal, were equally fortunate in promoting it. The clergy, feeling the necessity which they lay under of being protected against the violence of princes, or rigour of the laws, were well pleased to adhere to a foreign head, who, being removed from the fear of the civil authority, could freely employ the power of the whole Church in defending her ancient or usurped properties and privileges when invaded in any particular country. The monks, desirous of an independence on their diocesans,

<sup>1</sup> Eadmer, p. 73; W. Malm, p. 226, M. Paris, p. 40.

possessed a still more devoted attachment to the triple crown; and the stupid people possessed no science or reason which they could oppose to the most exorbitant pretensions. Nonsense passed for demonstration. The most criminal means were sanctified by the piety of the end. Treaties were not supposed to be binding where the interests of God are concerned. The ancient laws and customs of states had no authority against a Divine right. Impudent forgeries were received as authentic monuments of antiquity; and the champions of holy Church, if successful, were celebrated as heroes; if unfortunate, were worshipped as martyrs; and all events thus turned out equally to the advantage of clerical usurpations. Pascal himself, the reigning Pope, was, in the course of this very controversy concerning investitures, involved in circumstances, and necessitated to follow a conduct, which would have drawn disgrace and ruin on any temporal prince that had been so unfortunate as to fall into a like situation. His person was seized by the Emperor Henry V., and he was obliged by a formal treaty to resign to that monarch the right of granting investitures, for which they had so long contended (W. Malm, p. 167). In order to add greater solemnity to this agreement, the emperor and pope communicated together on the same host, one half of which was given to the prince, the other taken by the pontiff. The most tremendous imprecations were publicly denounced on either of them who should violate the treaty. Yet no sooner did Pascal recover his liberty, than he revoked all his concessions, and pronounced the sentence of excommunication against the emperor, who in the end was obliged to submit to the terms required, and to yield up all his pretensions, which he never could resume<sup>1</sup>.

The King of England had very nearly fallen into the same dangerous situation, Pascal had already excommunicated the Earl of Melmont and the other ministers of Henry who were instrumental in supporting his pretensions (Eadmer, p. 79); he daily menaced the king himself with a like sentence; and he suspended the blow only to give him leisure to prevent it by a timely submission. The malcontents waited impatiently for the opportunity of disturbing his government by conspiracies and insurrections (Ibid, p. 80), the king's best friends were anxious at the prospect of an incident which would set their religious and civil duties at variance; and the Countess of Blois, his sister, a princess of piety, who had great influence over him, was affrightened with the danger of her brother's eternal damnation (Ibid., p. 79). Henry, on the other hand, seemed determined to run all hazards, rather than resign a prerogative of such importance, which had been enjoyed by all his predecessors, and it seemed probable, from his great prudence and abilities, that he might be able to sustain his rights, and finally prevail in the contest. While Pascal and Henry thus stood mutually in awe of each other, it was the more easy to bring about an accommodation between them, and to find a medium in which they might agree.

Before bishops took possession of their dignities, they had formerly been accustomed to pass through two ceremonies; they received from the hands of the sovereign a ring and crosier, as symbols of their

<sup>1</sup> Padre Paolo sopra benef. eccles., p. 112; W. Malm., p. 170; Chron. Abb. St. Petri de Burgo, p. 63, Sim. Dunelm., p. 233.

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office; and this was called their *investiture* · they also made those submissions to the prince which were required of vassals by the rites of the feudal law, and which received the name of *homage*. And as the king must refuse, both to grant the *investiture* and to receive the *homage*, though the chapter had, by some canons of the middle ages been endowed with the right of election, the sovereign had in reality the sole power of appointing prelates. Urban II. had equally deprived laymen of the rights of granting investiture and of receiving homage;<sup>1</sup> the emperors never were able by all their wars and negotiations to make any distinction be admitted between them; the interposition of profane laymen, in any particular, was still represented as impious and abominable; and the Church openly aspired to a total independence of the State. But Henry had put England, as well as Normandy, in such a situation as gave greater weight to his negotiations; and Pascal was for the present satisfied with his resigning the right of granting investitures, by which the spiritual dignity was supposed to be conferred, and he allowed the bishops to do homage for their temporal properties and privileges.<sup>2</sup> The pontiff was well pleased to have made this acquisition, which he hoped would in time involve the whole; and the king, anxious to procure an escape from a very dangerous situation, was content to retain some, though a more precarious authority in the election of prelates.

After the principal controversy was accommodated, it was not difficult to adjust the other differences. The Pope allowed Anselm to communicate with the prelates who had already received investitures from the crown, and he only required of them some submission for their past conduct (Eadmer, p. 87). He also granted Anselm a plenary power of remedying every other disorder, which he said might arise from the barbarousness of the country (Ibid, p. 91). Such was the idea which the popes then entertained of the English, and nothing can be a stronger proof of the miserable ignorance in which that people were then plunged, than that a man who sat on the papal throne, and who subsisted by absurdities and nonsense, should think himself entitled to treat them as barbarians.

During the course of these controversies, a synod was held at Westminster, where the king, intent only on the main dispute, allowed some canons of less importance to be enacted, which tended to promote the usurpations of the clergy. The celibacy of priests was enjoined, a point which it was still found very difficult to carry into execution; and even laymen were not allowed to marry within the seventh degree of affinity (Eadmer, p. 67, 68; Spelm. Con., vol. II, p. 22). By this contrivance the Pope augmented the profits which he reaped from granting dispensations, and likewise those from divorces. For as the art of writing was then rare, and parish registers were not regularly kept, it was not easy to ascertain the degrees of affinity even among people of rank, and any man who had money sufficient to pay for it might obtain a divorce, on pretence that his wife was more nearly related to him than was permitted by the canons. The synod

<sup>1</sup> Eadmer, p. 91, W. Malm., p. 163, Sim. Dunelm., p. 230.

<sup>2</sup> Eadmer, p. 91, W. Malm., pp. 164, 227, Hoveden, p. 471; M. Paris, p. 43, T. Rudb., p. 274, Brompton, p. 1000, Wilkirs, p. 303, Chron. Dunst., p. 21.

also passed a vote prohibiting the laity from wearing long hair (Eadmer, p 68). The aversion of the clergy to this mode was not confined to England. When the king went to Normandy, before he had conquered that province, the Bishop of Seez in a formal harangue, earnestly exhorted him to redress the manifold disorders under which the government laboured, and to oblige the people to poll their hair in a decent form. Henry, though he would not resign his prerogatives to the Church, willingly parted with his hair, he cut it in the form which they required of him, and obliged all the courtiers to imitate his example (Order Vital, p 816).

The acquisition of Normandy was a great point of Henry's ambition, being the ancient patrimony of his family, and the only territory, which, while in his possession, gave him any weight of consideration on the continent; but the injustice of his usurpation was the source of great inquietude, involved him in frequent wars, and obliged him to impose on his English subjects those many heavy and arbitrary taxes of which all the historians of that age unanimously complain.<sup>1</sup> His nephew William was but six years of age, when he committed him to the care of Helie de St Saen, and it is probable that his reason for entrusting that important charge to a man of so unblemished a character, was to prevent all malignant suspicions, in case any accident should befall the life of the young prince. He soon repented of his choice, but when he desired to recover possession of William's person, Helie withdrew his pupil, and carried him (A.D. 1110) to the court of Fulk, Count of Anjou, who gave him protection (Order Vital, p 837). In proportion as the prince grew up to man's estate, he discovered virtues becoming his birth; and wandering through different courts of Europe, he excited the friendly compassion of many princes, and raised a general indignation against his uncle, who had so unjustly bereaved him of his inheritance. Lewis the Gross, son of Philip, was at this time King of France, a brave and generous prince, who, having been obliged during the lifetime of his father to fly to England, in order to escape the persecutions of his step-mother Bertrude, had been protected by Henry, and had thence conceived a personal friendship for him. But these ties were soon dissolved after the accession of Lewis, who found his interests to be in so many particulars opposite to those of the English monarch, and who became sensible of the danger attending the annexation of Normandy to England. He joined therefore the Counts of Anjou and Flanders in giving disquiet to Henry's government; and this monarch, in order to defend his foreign dominions, found himself obliged to go over to Normandy, where he resided two years. The war which ensued among those princes was attended with no memorable event, and produced only slight skirmishes on the frontiers, agreeably to the weak condition of the sovereigns of that age, whenever their subjects were not roused by some great and urgent occasion. Henry, by contracting his eldest son, William, to the daughter of Fulk, detached that prince from the alliance, and obliged the others to come to an accommodation with him. This peace was not of long duration. His nephew, William,

<sup>1</sup> Eadmer, p 83, Chron Sax, p 211, 212, 213, 219, 220, 228; H. Hunt, p 380; Hoveden, p 470; Ann Waverl, p 143.

retired to the court of Baldwin, Earl of Flanders, who espoused his cause; and the King of France, having soon after, for other reasons, joined the party, a new war was kindled in Normandy, which produced no event more memorable than had attended the former. At last the death of Baldwin, who was (A.D. 1118) slain in an action near Eu, gave some respite to Henry, and enabled him to carry on the war with more advantage against his enemies.

Lewis, finding himself unable to wrest Normandy from the king by force of arms, had recourse to the dangerous expedient of applying to the spiritual power, and of affording the ecclesiastics a pretence to interpose in the temporal concerns of princes. He carried young William to a general council which was assembled at Rheims by Pope Calixtus II, presented the Norman prince to them, complained of the manifest usurpation and injustice of Henry, craved the assistance of the Church for reinstating the true heir in his dominions, and represented the enormity of detaining in captivity so brave a prince as Robert, one of the most eminent champions of the Cross, and who, by that very quality, was placed under the immediate protection of the holy see. Henry knew how to defend the rights of his crown with vigour, and yet with dexterity. He had sent over the English bishops to this synod; but at the same time had warned them that if any further claims were started by the pope or the ecclesiastics, he was determined to adhere to the laws and customs of England, and maintain the prerogatives transmitted to him by his predecessors. 'Go,' said he to them, 'salute the Pope in my name, hear his apostolical precepts: but take care to bring none of his new inventions into my kingdom.' Finding however that it would be easier for him to elude than oppose the efforts of Calixtus, he gave his ambassadois orders to gain the Pope and his favourites by liberal presents and promises. The complaints of the Norman prince were thenceforth heard with great coldness by the council; and Calixtus confessed, after a conference which he had the same summer with Henry, and when that prince probably renewed his presents, that of all men whom he had ever yet been acquainted with, he was, beyond comparison, the most eloquent and the most persuasive.

The warlike measures of Lewis proved as ineffectual as his intrigues. He had laid a scheme for surprising Noyon, but Henry having received intelligence of the design, marched to the relief of the place, and suddenly attacked the French at Brenneville as they were advancing towards it. A sharp conflict ensued, where Prince William behaved with great bravery, and the king himself was in the most imminent danger. He was wounded in the head by Crispin, a gallant Norman officer, who had followed the fortunes of William (H. Hunt, p. 381; M. Paris, p. 47, Diceto, p. 503); but being rather animated than terrified by the blow, he immediately beat his antagonist to the ground, and so encouraged his troops by the example, that they put the French to total rout, and had very nearly taken their king prisoner. The dignity of the persons engaged in this skirmish, rendered it the most memorable action of the war; for in other respects it was not of great importance. There were nine hundred horsemen who fought on both sides; yet were there only two persons slain. The rest were defended

by that heavy armour worn by the cavalry in those times (Order. Vital., p. 854). An accommodation soon after ensued between the Kings of France and England; and the interests of young William were entirely neglected in it.

But this public prosperity of Henry was much overbalanced by a domestic calamity which (A.D. 1120) befel him. His only son, William, had now reached his eighteenth year; and the king, from the facility with which he himself had usurped the crown, dreading that a like revolution might subvert his family, had taken care to have him recognised successor by the states of the kingdom, and had carried him over to Normandy that he might receive the homage of the barons of that duchy. The king on his return set sail from Bailleul, and was soon carried by a fair wind out of sight of land. The prince was detained by some accident, and his sailors as well as their captain, Thomas Fitz-Stephens, having spent the interval in drinking, were so flustered that, being in a hurry to follow the king, they heedlessly carried the ship on a rock, where she immediately foundered. William was put into the long boat and had got clear of the ship, when hearing the cries of his natural sister, the Countess of Perche, he ordered the seamen to row back in hopes of saving her, but the numbers who then crowded in soon sunk the boat, and the prince with all his retinue perished. Above a hundred and forty young noblemen, of the principal families of England and Normandy, were lost on this occasion. A butcher of Rouen was the only person on board who escaped (Sim. Dunelm., p. 242; Alured Beverl., p. 148); he clung to the mast and was taken up next morning by fishermen. Fitz-Stephens also took hold of the mast; but being informed by the butcher that Prince William had perished, he said that he would not survive the disaster, and he threw himself headlong into the sea (Order. Vital., p. 868). Henry entertained hopes for three days that his son had put into some distant port of England; but when certain intelligence of the calamity was brought him, he fainted away; and it was remarked that he never after was seen to smile, nor ever recovered his wonted cheerfulness (Hoveden, p. 476; Order. Vital., p. 869).

The death of William may be regarded, in one respect, as a misfortune to the English; because it was the immediate source of those civil wars, which, after the demise of the king, caused such confusion in the kingdom; but it is remarkable that the young prince had entertained a violent aversion to the natives; and had been heard to threaten that when he should be king, he would make them draw the plough, and would turn them into beasts of burden. These prepossessions he inherited from his father, who, though he was wont, when it might serve his purpose, to value himself on his birth, as a native of England (Gul. Neub., lib. 1, cap. 3), showed, in the course of his government, an extreme prejudice against that people. All hopes of preferment, to ecclesiastical as well as civil dignities, were denied them during this whole reign; and any foreigner, however ignorant or worthless, was sure to have the preference in every competition (Eadmer, p. 170). As the English had given no disturbance to the government during the course of fifty years, this inveterate antipathy in a prince of so much temper as well as penetration, forms a presumption that the English

of that age were still a rude and barbarous people even compared to the Normans, and impresses us with no very favourable idea of the Anglo-Saxon manners

Prince William left no children, and the king had not now an legitimate issue, except one daughter, Matilda, whom, in 1110, he had betrothed, though only eight years of age,<sup>1</sup> to the Emperor Henry V, and whom he had then sent over to be educated in Germany.<sup>2</sup> But as her absence from the kingdom, and her marriage into a foreign family might endanger the succession, Henry, who was now a widower, was induced to marry, in hopes of having male heirs; and (A.D. 1121) he made his addresses to Adela, daughter of Godfrey, Duke of Lotharing, and niece of Pope Calixtus, a young princess of an amiable person (Chron Sax, p. 223, W Malm, p. 165). But Adela brought him no children; and the prince, who was most likely to dispute the succession, and even the immediate possession of the crown, recovered hopes of subverting his rival, who had successively seized all his patrimonial dominions. William, the son of Duke Robert, was still protected in the French court; and as Henry's connections with the Count of Anjou were broken off by the death of his son, Fulk joined the party of the unfortunate prince, gave him his daughter in marriage, and aided him in raising disturbances in Normandy. But Henry found the means of drawing off the Count of Anjou, by forming anew with him a nearer connection than the former, and one more material to the interests of that count's family. The emperor, his son-in-law, dying (A.D. 1127) without issue, he bestowed his daughter on Geoffrey, the eldest son of Fulk, and endeavoured to insure his succession by having her recognised heir to all his dominions, and obliging the barons both of Normandy and England to swear fealty to her. He hoped that the choice of this husband would be more agreeable to all his subjects than that of the emperor, as securing them from the danger of falling under the dominion of a great and distant potentate, who might bring them into subjection, and reduce their country to the rank of a province: but the barons were displeased that a step so material to national interests had (A.D. 1128) been taken without consulting them;<sup>3</sup> and Henry had too sensibly experienced the turbulence of their disposition, not to dread the effects of their resentment. It seemed probable that his nephew's party might gain force from the increase of the malcontents' an accession of power, which that prince acquired a little after, tended to render his pretensions still more dangerous. Charles, Earl of Flanders, being assassinated during the celebration of Divine service, King Lewis immediately put the young prince in possession of that county, to

<sup>1</sup> Chron Sax, p. 215, W Malm, p. 166, Order. Vital, p. 83.

<sup>2</sup> Henry, by the feudal customs, was entitled to levy a tax for the marrying of his eldest daughter, and he exacted three shillings a hide on all England. H. Hunt, p. 379. Some historians (Brady, p. 270, and Tyrrel, vol. II, p. 182) heedlessly make this sum amount to above 800,000*l* of our present money, but it could not exceed 135,000*l*. Five hides, sometimes less, made a knight's fee, of which there were about 60,000 in England, consequently near 300,000 hides, and at the rate of three shillings a hide, the sum would amount to 45,000*l*, or 135,000*l* of our present money. See Rudborne, p. 257. In the Saxon times, there were only computed 243,600 hides in England.

<sup>3</sup> W Malm, p. 175. The Annals of Waverly, p. 150, say, that the king asked and obtained the consent of all the barons.



which he had pretensions in the right of his grandmother Matilda, wife to the Conqueror. But William survived a very little time this piece of good fortune, which seemed to open the way to still further prosperity. He was killed in a skirmish with the Landgrave of Alsace, his competitor for Flanders; and his death put an end, for the present, to the jealousy and inquietude of Henry.

The chief merit of this monarch's government consisted in the profound tranquility which he established and maintained throughout all his dominions during the greater part of his reign. The mutinous barons were retained in subjection; and his neighbours, in every attempt which they made upon him, found him so well prepared, that they were discouraged from continuing or renewing their enterprises. In order to repress the incursions of the Welsh, he brought over some Flemings in the year 1111, and settled them in Pembrokeshire, where they long maintained a different language and customs and manners from their neighbours. Though his government seems to have been arbitrary in England, it was judicious and prudent, and was as little oppressive as the necessity of his affairs would permit. He wanted not attention to the redress of grievances, and historians mention in particular the levying of purveyance, which he endeavoured to moderate and restrain. The tenants in the king's demesne lands were at that time obliged to supply gratis the court with provisions, and to furnish carriages on the same hard terms, when the king made a progress, as he did frequently, into any of the counties. These exactions were so grievous, and levied in so licentious a manner, that the farmers, when they heard of the approach of the court, often deserted their houses, as if an enemy had invaded the country (Eadmer, p. 94, Chron. Sax., p. 212), and sheltered their persons and families in the woods, from the insults of the king's retinue. Henry prohibited those enormities, and punished the persons guilty of them by cutting off their hands, legs, or other members (Eadmer, p. 94). But the prerogative was perpetual; the remedy applied by Henry was temporary; and the violence itself of this remedy, so far from giving security to the people, was only a proof of the ferocity of the government, and threatened a quick return of like abuses.

One great and difficult object of the king's prudence was the guarding against the encroachments of the court of Rome, and protecting the liberties of the Church of England. The Pope, in the year 1101, had sent Guy, Archbishop of Vienne, as legate into Britain; and though he was the first that for many years had appeared there in that character, and his commission gave general surprise (*Ibid.*, p. 58), the king, who was then in the commencement of his reign, and was involved in many difficulties, was obliged to submit to this encroachment on his authority. But in the year 1116, Anselm, Abbot of St. Sabas, who was coming over with a like legantine commission, was prohibited from entering the kingdom (Hoveden, p. 474); and Pope Calixtus, who in his turn was then labouring under many difficulties, by reason of the pretensions of Gregory, an antipope, was obliged to promise, that he never would for the future, except when solicited by the king himself, send any legate into England (Eadmer, p. 125, 137, 138). Notwithstanding this engagement, the Pope, as soon as he had

suppressed his antagonist, granted Cardinal de Crema a legantine commission over that kingdom, and the king, who by reason of his nephew's intrigues and invasions, found himself at that time in a dangerous situation, was obliged to submit to the exercise of this commission (Chron. Sax., p. 229). A synod was called by the legate at London, where, among other canons, a vote passed, enacting severe penalties on the marriages of the clergy (Spelm. Conc., vol. ii., p. 34). The cardinal, in a public harangue, declared it to be an unpardonable enormity, that a priest should dare to consecrate and touch the body of Christ immediately after he had risen from the side of a strumpet; for that was the decent appellation which he gave to the wives of the clergy. But it happened that the very next night, the officers of justice breaking into a disorderly house, found the cardinal in bed with a courtesan;<sup>1</sup> an incident which threw such ridicule upon him, that he immediately stole out of the kingdom; the synod broke up, and the canons against the marriage of clergymen were worse executed than ever (Chron. Sax., p. 234).

Henry, in order to prevent this alternate revolution of concessions and encroachments, sent William, then Archbishop of Canterbury, to remonstrate with the court of Rome against those abuses, and to assert the liberties of the English Church. It was a usual maxim with every Pope, when he found that he could not prevail in any pretension, to grant princes or states a power which they had always exercised, to resume at a proper juncture the claim which seemed to be resigned, and to pretend that the civil magistrate had professed the authority only from a special indulgence of the Roman pontiff. After this manner, the Pope, finding that the French nation would not admit his claim of granting investitures, had passed a bull, giving the king that authority; and he now practised a like invention to elude the complaints of the King of England. He made the Archbishop of Canterbury his legate, renewed his commission from time to time, and still pretended that the rights which that prelate had exercised as metropolitan, were entirely derived from the indulgence of the apostolic see. The English princes, and Henry in particular, who were glad to avoid any immediate contest of so dangerous a nature, commonly acquiesced by their silence in these pretensions of the court of Rome.<sup>2</sup>

As everything in England remained in tranquillity, Henry took the opportunity of paying a visit to Normandy, to which he was invited,

<sup>1</sup> Hoveden, p. 478, M. Paris, p. 48, Matt. West., ad ann. 1125, H. Huntingdon, p. 382. It is remarkable that this last writer, who was a clergyman as well as the others, makes an apology for using such freedom with the Fathers of the Church, but says that the fact was notorious, and ought not to be concealed.

<sup>2</sup> The legates *à latere*, as they were called, were a kind of delegates who possessed the full power of the Pope in all the provinces committed to their charge, and were very busy in extending as well as exercising it. They nominated to all vacant benefices, assembled synods, and were anxious to maintain ecclesiastical privileges, which never could be fully protected without encroachments on the civil power. If there were the least concurrence or opposition, it was always supposed that the civil power was to give way. Every deed which had the least pretence of holding anything spiritual, as marriages, testaments, promissory oaths, were brought into the spiritual court, and could not be canvassed before a civil magistrate. These were the established laws of the Church, and where a legate was sent immediately from Rome, he was sure to maintain the papal claims with the utmost rigour, but it was an advantage to the king to have the Archbishop of Canterbury appointed legate, because the connections of that prelate with the kingdom tended to moderate his measures.

as well by his affection for that country, as by his tenderness for his daughter, the Empress Matilda, who was always his favourite. Some time after, that princess was delivered of a son, who received the name of Henry; and the king, further to insure her succession, made all the nobility of England and Normandy renew the oath of fealty which they had already sworn to her (W. Malm, p. 177). The joy of this event, and the satisfaction which he reaped from his daughter's company, who bore successively two other sons, made his residence in Normandy very agreeable to him (H. Hunt, p. 515), and he seemed determined to pass the remainder of his days in that country; when (A. D. 1135) an incursion of the Welsh obliged him to think of returning into England. He was preparing for the journey, but was (Dec. 1) seized with a sudden illness at St. Dennis le Forment, from eating too plentifully of lampreys, a food which always agreed better with his palate than his constitution (H. Hunt, p. 385; M. Paris, p. 50). He died in the sixty-seventh year of his age, and the thirty-fifth year of his reign; leaving by will his daughter, Matilda, heir of all his dominions, without making any mention of her husband Geoffrey, who had given him several causes of displeasure (W. Malm., p. 178).

This prince was one of the most accomplished that has filled the English throne, and possessed all the great qualities both of body and mind, natural and acquired, which could fit him for the high station to which he attained. His person was manly, his countenance engaging, his eyes clear, serene, and penetrating. The affability of his address encouraged those who might be overawed by the sense of his dignity or of his wisdom; and though he often indulged his facetious humour, he knew how to temper it with discretion, and ever kept at a distance from all indecent familiarities with his courtiers. His superior eloquence and judgment would have given him an ascendant, even had he been born in a private station; and his personal bravery would have procured him respect, though it had been less supported by art and policy. By his great progress in literature, he acquired the name of *Beau-clerc*, or the scholar, but his application to those sedentary pursuits abated nothing of the activity and vigilance of his government, and though the learning of that age was better fitted to corrupt than improve the understanding, his natural good sense preserved itself untainted, both from the pedantry and superstition which were then so prevalent among men of letters. His temper was susceptible of the sentiments as well of friendship as of resentment (Order. Vital, p. 805); and his ambition, though high, might be deemed moderate and reasonable, had not his conduct towards his brother and nephew showed that he was too much disposed to sacrifice to it all the maxims of justice and equity. But the total incapacity of Robert for government afforded his younger brother a reason or pretence for seizing the sceptre both of England and Normandy; and when violence and usurpation are once begun, necessity obliges a prince to continue in the same criminal course, and engages him in measures which his better judgment and sounder principles would otherwise have induced him to reject him with warmth and indignation.

King Henry was much addicted to women, and historians mention no less than seven illegitimate sons and six daughters born to him

(Gul Gemet, lib viii, cap 29). Hunting was also one of his favourite amusements; and he exercised great rigour against those who encroached on the royal forests, which were augmented during his reign (W. Malm., p. 179), though their number and extent were already too great. To kill a stag was as criminal as to murder a man; he made all the dogs be mutilated which were kept on the borders of his forests; and he sometimes deprived his subjects of the liberty of hunting on their own lands, or even cutting their own woods. In other respects he executed justice, and that with rigour. the best maxim which a prince in that age could follow. Stealing was first made capital in this reign,<sup>1</sup> false coining, which was then a very common crime, and by which the money had been extremely debased, was severely punished by Henry.<sup>2</sup> Nearly fifty criminals of this kind were at one time hanged or mutilated, and though these punishments seem to have been exercised in a manner somewhat arbitrary, they were grateful to the people, more attentive to present advantages, than jealous of general laws. There is a code which passes under the name of Henry I., but the best antiquaries have agreed to think it spurious. It is however a very ancient compilation, and may be useful to instruct us in the manners and customs of the times. We learn from it, that a great distinction was then made between the English and Normans, much to the advantage of the latter (LL Hen. I., § 18, 75). The deadly feuds and the liberty of private revenge, which had been avowed by the Saxon laws, were still continued, and were not yet wholly illegal (LL Hen., § 82).

Among the laws granted on the king's accession, it is remarkable that the reunion of the civil and ecclesiastical courts, as in the Saxon times, was enacted.<sup>3</sup> But this law, like the articles of his charter, remained without effect, probably from the opposition of Archbishop Anselm.

Henry, on his accession, granted a charter to London, which seems to have been the first step towards rendering that city a corporation. By this charter, the city was empowered to keep the farm of Middlesex at three hundred pounds a year, to elect its own sheriff and justiciary, and to hold pleas of the crown, and it was exempted from Scot, Danegelt, trials by combat, and lodging the king's retinue. These, with a confirmation of the privileges of their court of hustings, ward-motes, and common halls, and their liberty of hunting in Middlesex and Surrey, are the chief articles of this charter.<sup>4</sup>

It is said (Dial. de Scaccario, lib 1, cap 7), that this prince, from indulgence to his tenants, changed the rents of his demesnes, which were formerly paid in kind, into money, which was more easily remitted to the exchequer. But the great scarcity of coin would render that commutation difficult to be executed, while at the same time provisions could not be sent to a distant quarter of the kingdom. This affords a probable reason why the ancient kings of England so frequently changed their place of abode; they carried their court from one palace to another, that they might consume upon the spot the revenue of their several demesnes.

<sup>1</sup> Sum. Dunelm., p. 231, Brompton, p. 1000; Flor. Wigorn. p. 653, Hoveden, p. 471.

<sup>2</sup> Sum. Dunelm., p. 231, Brompton, p. 1000, Hoveden, p. 471, Annal. Waverl., p. 149.

<sup>3</sup> Spelm., p. 305, Blackstone, vol. iii, p. 63, Coke, 2, Inst., 70.

<sup>4</sup> Lambard. Archæionomia ex edit. Twissden, Wilkins, p. 235.

## CHAPTER VII.

## STEPHEN.

*Accession of Stephen—War with Scotland—Insurrection in favour of Matilda—Stephen taken prisoner.—Matilda crowned.—Stephen released—Restored to the crown.—Continuation of the civil wars.—Compromise between the king and Prince Henry.—Death of the king.*

IN the progress and settlement of the feudal law, the male succession to fiefs had taken place some time before the female was admitted; and estates, being considered as military benefices, not as property, were transmitted to such only as could serve in the armies, and perform in person the conditions upon which they were originally granted. But when the continuance of rights, during some generations, in the same family, had in a great measure obliterated the primitive idea, the females were gradually admitted to the possession of feudal property; and the same revolution of principles which procured them the inheritance of private estates naturally introduced their succession to government and authority. The failure, therefore, of male heirs to the kingdom of England and duchy of Normandy seemed to leave the succession open, without a rival, to the Empress Matilda, and as Henry had made all his vassals in both states swear fealty to her, he presumed, that they would not easily be induced to depart at once from her hereditary right, and from their own reiterated oaths and engagements. But the irregular manner in which he himself had acquired the crown might have instructed him that neither his Norman nor his English subjects were as yet capable of adhering to a strict rule of government, and as every precedent of this kind seems to give authority to new usurpations, he had reason to dread, even from his own family, some invasion of his daughter's title, which he had taken such pains to establish.

Adela, daughter of William the Conqueror, had been married to Stephen, Count of Blois, and had brought him several sons; among whom Stephen and Henry, the two youngest, had been invited over to England by the late king, and had received great honours, riches, and preferment, from the zealous friendship which that prince bore to every one that had been so fortunate as to acquire his favour and good opinion. Henry, who had betaken himself to the ecclesiastical profession, was created Abbot of Glastonbury and Bishop of Winchester; and though these dignities were considerable, Stephen had, from his uncle's liberality, attained establishments still more solid and durable (Gul Neubr, p 360, Bloompton, p 1023). The king had married him to Matilda, who was daughter and heir of Eustace, Count of Boulogne, and who brought him, besides that feudal sovereignty in France, an immense property in England, which, in the distribution of lands, had been conferred by the conqueror on the family of Boulogne. Stephen also by this marriage acquired a new connection with the royal family of England, as Mary, his wife's mother, was sister to David, the reigning king of Scotland, and to Matilda, the first wife of Henry, and

mother of the empress. The king still imagining that he strengthened the interests of his family by the aggrandisement of Stephen, took pleasure in enriching him by the grant of new possessions; and he conferred on him the great estate forfeited by Robert Mallett in England, and that forfeited by the Earl of Montaigne in Normandy. Stephen, in return, possessed great attachment to his uncle; and appeared so zealous for the succession of Matilda, that when (A.D. 1135) the barons swore fealty to that princess, he contended with Robert, Earl of Gloucester, the king's natural son, who should first be admitted to give her this testimony of devoted zeal and fidelity (W. Malm., p. 192). Meanwhile, he continued to cultivate, by every art of popularity, the friendship of the English nation; and many virtues, with which he seemed to be endowed, favoured the success of his intentions. By his bravery, activity, and vigour, he acquired the esteem of the barons: by his generosity, and by an affable and familiar address, unusual in that age among men of his high quality, he obtained the affections of the people, particularly of the Londoners (*Ibid.*, p. 179; *Gest. Steph.*, p. 928). And though he dared not to take any steps towards his further grandeur, lest he should expose himself to the jealousy of so penetrating a prince as Henry, he still hoped that by accumulating riches and power, and by acquiring popularity, he might in time be able to open his way to the throne.

No sooner had Henry breathed his last, than Stephen, insensible to all the ties of gratitude and fidelity, and blind to danger, gave full reins to his criminal ambition, and trusted that, even without any previous intrigue, the celerity of his enterprise, and the boldness of his attempt, might overcome the weak attachment which the English and Normans in that age bore to the laws, and to the rights of their sovereign. He hastened over to England; and though the citizens of Dover, and those of Canterbury, apprised of his purpose, shut their gates against him, he stopped not till he arrived at London, where some of the lower rank, instigated by his emissaries, as well as moved by his general popularity, immediately saluted him king. His next point was to acquire the good will of the clergy; and by performing the ceremony of his coronation, to put himself in possession of the throne, from which, he was confident, it would not be easy afterwards to expel him. His brother, the Bishop of Winchester, was useful to him in these capital articles: having gained Roger, Bishop of Salisbury, who, though he owed a great fortune and advancement to the favour of the late king, preserved no sense of gratitude to that prince's family, he applied, in conjunction with that prelate, to William, Archbishop of Canterbury, and required him, in virtue of his office, to give the royal unction to Stephen. The primate, who, as all the others, had sworn fealty to Matilda, refused to perform this ceremony; but his opposition was overcome by an expedient equally dishonourable with the other steps by which this revolution was effected. Hugh Bigod, steward of the household, made oath before the primate that the late king, on his death-bed, had shown a dissatisfaction with his daughter Matilda, and had expressed his intention of leaving the Count of Boulogne heir to all his dominions.<sup>1</sup> William, either believing or feigning to believe Bigod's testimony,

<sup>1</sup> *Matt. Paris*, p. 51, *Diceto*, p. 505; *Chron. Dunst.*, p. 25.

anointed (22nd Dec.) Stephen, and put the crown upon his head; and from this religious ceremony, that prince, without any shadow either of hereditary title or consent of the nobility or people, was allowed to proceed to the exercise of sovereign authority. Very few barons attended his coronation (Brompton, p. 1023); but none opposed his usurpation, however unjust or flagrant. The sentiment of religion, which, if corrupted into superstition, has often little efficacy in fortifying the duties of civil society, was not affected by the multiplied oaths taken in favour of Matilda, and only rendered the people obedient to a prince who was countenanced by the clergy, and who had received from the primate the rite of royal unction and consecration<sup>1</sup>.

Stephen, that he might further secure his tottering throne, passed a charter, in which he made liberal promises to all orders of men, to the clergy, that he would speedily fill all vacant benefices, and would never levy the rents of any of them during the vacancy; to the nobility, that he would reduce the royal forests to their ancient boundaries, and correct all encroachments; and to the people, that he would remit the tax of Danegelt, and restore the laws of King Edward (W. Malm., p. 179; Hoveden, p. 482). The late king had a great treasure at Winchester, amounting to a hundred thousand pounds; and Stephen, by seizing this money, immediately turned against Henry's family the precaution which that prince had employed for their grandeur and security: an event which naturally attends the policy of amassing treasures. By means of this money the usurper ensured the compliance, though not the attachment, of the principal clergy and nobility; but not trusting to this frail security, he invited over from the continent, particularly from Brittany and Flanders, great numbers of those bravoes or disorderly soldiers, with whom every country in Europe, by reason of the general ill police and turbulent government, extremely abounded (W. Malm., p. 179). These mercenary troops guarded his throne by the terrors of the sword, and Stephen, that he might also overawe all malcontents by new and additional terrors of religion, procured a bull from Rome, which ratified his title, and which the Pope, seeing this prince in possession of the throne, and pleased with an appeal to his authority in secular controversies, had very readily granted him (Haglulstad, pp. 259, 313).

Matilda, and her husband Geoffrey, were (A.D. 1136) as unfortunate in Normandy as they had been in England. The Norman nobility, moved by an hereditary animosity against the Angevins, first applied to Theobald, Count of Blois, Stephen's elder brother, for protection and assistance; but hearing afterwards that Stephen had got possession of the English crown, and having many of them the same reasons as formerly for desiring a continuance of their union with that kingdom, they transferred their allegiance to Stephen, and put him in possession of their government. Lewis the younger, the reigning King of France, accepted the homage of Eustace, Stephen's eldest son, for the duchy; and the more to corroborate his connections with that family, he betrothed his sister, Constantia, to the young prince. The

<sup>1</sup> Such stress was formerly laid on the rite of coronation, that the monkish writers never give any prince the title of king till he is crowned, though he had for some time been in the possession of the crown, and exercised all the powers of sovereignty.

Count of Blois resigned all his pretensions, and received, in lieu of them, an annual pension of two thousand marks; and Geoffrey himself was obliged to conclude a truce for two years with Stephen, on condition of the king's paying him, during that time, a pension of five thousand (M. Paris, p. 52). Stephen, who had taken a journey to Normandy, finished all these transactions in person, and soon after returned to England.

Robert, Earl of Gloucester, natural son of the late king, was a man of honour and abilities, and as he was much attached to the interests of his sister Matilda, and zealous for the lineal succession, it was chiefly from his intrigues and his resistance that the king had reason to dread a new revolution of government. This nobleman, who was in Normandy when he received intelligence of Stephen's accession, found himself much embarrassed concerning the measures which he should pursue in that difficult emergency. To swear allegiance to the usurper appeared to him dishonourable, and a breach of his oath to Matilda. To refuse giving this pledge of his fidelity was to banish himself from England, and be totally incapacitated from serving the royal family, or contributing to their restoration (Malm., p. 179). He offered Stephen to do him homage and to take the oath of fealty; but with an express condition that the king should maintain all his stipulations, and should never invade any of Robert's rights or dignities: and Stephen, though sensible that this reserve, so unusual in itself, and so unbefitting the duty of a subject, was meant only to afford Robert a pretence for a revolt on the first favourable opportunity, was obliged, by the numerous friends and retainers of that nobleman, to receive him on those terms (Ibid.; M. Paris, p. 51). The clergy, who could scarcely at the time be deemed subjects to the crown, imitated that dangerous example. They annexed to their oath of allegiance this condition, that they were only bound so long as the king defended the ecclesiastical liberties and supported the discipline of the Church (W. Malm., p. 179). The barons, in return for their submission, exacted terms still more destructive of public peace, as well as of royal authority. Many of them required the right of fortifying their castles, and of putting themselves in a posture of defence, and the king found himself totally unable to refuse his consent to this exorbitant demand (Ibid., p. 180). All England was immediately filled with those fortresses, which the noblemen garrisoned, either with their vassals, or with licentious soldiers, who flocked to them from all quarters. Unbounded rapine was exercised upon the people for the maintenance of these troops; and private animosities, which had with difficulty been restrained by law, now breaking out without control, rendered England a scene of uninterrupted violence and devastation. Wars between the nobles were carried on with the utmost fury in every quarter, the barons even assumed the right of coining money, and of exercising, without appeal, every act of jurisdiction,<sup>1</sup> and the inferior gentry, as well as the people, finding no defence from the laws during this total dissolution of sovereign authority, were obliged, for their immediate safety, to pay court to some neighbouring chieftain, and to purchase his protection, both by submitting to his exactions and by assisting him in his rapine upon others.

<sup>1</sup> Trivet, p. 19, Gul. Neub, p. 372; Chron. Henning, p. 487, Brompton, p. 1035



The erection of one castle proved the immediate cause of building many others; and even those who obtained not the king's permission thought that they were entitled, by the great principle of self-preservation, to put themselves on an equal footing with their neighbours, who commonly were also their enemies and rivals. The aristocratical power, which is usually so oppressive in the feudal governments, had now risen to its utmost height, during the reign of a prince, who, though endowed with vigour and abilities, had usurped the throne without the pretence of a title, and who was necessitated to tolerate in others the same violence to which he himself had been beholden for his sovereignty.

But Stephen was not of a disposition to submit long to these usurpations, without making some effort for the recovery of royal authority. Finding that the legal prerogatives of the crown were resisted and abridged, he was also tempted to make his power the sole measure of his conduct, and to violate all those concessions which he himself had made on his accession (W. Malm., p. 180; M. Paris, p. 51), as well as the ancient privileges of his subjects. The mercenary soldiers who chiefly supported his authority, having exhausted the royal treasure, subsisted by depredations, and every place was filled with the best grounded complaints against the government. The Earl of Gloucester, having now (A.D. 1137) settled with his friends the plan of an insurrection, retired beyond sea, sent the king a defiance, solemnly renounced his allegiance, and upbraided him with the breach of those conditions which had been annexed to the oath of fealty sworn by that nobleman (W. Malm., p. 180). David, King of Scotland, appeared (A.D. 1138) at the head of an army in defence of his niece's title, and penetrating into Yorkshire committed the most barbarous devastations on that country. The fury of his massacres and ravages enraged the northern nobility, who might otherwise have been inclined to join him; and William, Earl of Albemarle, Robert de Feriers, William Percy, Robert de Brus, Roger Moubray, Ilbert Lacey, Walter l'Espece, powerful barons in those parts, assembled an army, with which they encamped at North-Allerton, and awaited the arrival of the enemy. A great battle was (August 22) here fought, called the Battle of the Standard, from a high crucifix erected by the English on a waggon, and carried along with the army as a military ensign. The King of Scots was defeated, and he himself, as well as his son Henry, narrowly escaped falling into the hands of the English. This success overawed the malcontents in England, and might have given some stability to Stephen's throne, had he not been so elated with prosperity as to engage in a controversy with the clergy, who were then an overmatch for any monarch.

Though the great power of the Church in ancient times weakened the authority of the crown, and interrupted the course of the laws, it may be doubted whether in ages of such violence and outrage it was not rather advantageous that some limits were set to the power of the sword, both in the hands of the prince and nobles, and that men were taught to pay regard to some principles and privileges. The chief misfortune was, that the prelates on some occasions acted entirely as barons, employed military power against their sovereign or their neighbours, and thereby often increased those disorders which it was their

duty to repress. The Bishop of Salisbury, in imitation of the nobility, had built two strong castles, one at Sherborne, another at Devizes, and had laid the foundations of a third at Malmesbury. His nephew, Alexander, Bishop of Lincoln, had erected a fortress at Newark, and Stephen, who was now sensible from experience of the mischiefs attending these multiplied citadels, resolved to begin with destroying those of the clergy, who by their function seemed less entitled than the barons to such military securities (Gul. Neubr., p. 262). Making a pretence of a fray, which had arisen in court between the retinue of the Bishop of Salisbury and that of the Earl of Brittany, he seized both that prelate and the Bishop of Lincoln, threw them into prison, and obliged them by menaces to deliver up those places of strength which they had lately erected (Chron. Sax., p. 238; W. Malm., p. 181).

Henry, Bishop of Winchester, the king's brother, being armed with a legatine commission, now conceived himself to be an ecclesiastical sovereign no less powerful than the civil; and forgetting the ties of blood which connected him with the king, he resolved to vindicate the clerical privileges, which, he pretended, were here openly violated. He assembled (August 30) a synod at Westminster, and there complained of the impiety of Stephen's measures, who had employed violence against the dignitaries of the Church, and had not awaited the sentence of a spiritual court, by which alone, he affirmed, they could lawfully be tried and condemned, if their conduct had in any wise merited censure or punishment (W. Malm., p. 182). The synod ventured to send a summons to the king, charging him to appear before them, and to justify his measures (W. Malm., p. 182; M. Paris, p. 53), and Stephen, instead of resenting this indignity, sent (A.D. 1139) Aubrey de Vere to plead his cause before that assembly. De Vere accused the two prelates of treason and sedition, but the synod refused to try the cause or examine their conduct till those castles, of which they had been dispossessed, were previously restored to them (W. Malm., p. 183). The Bishop of Salisbury declared that he would appeal to the Pope; and had not Stephen and his partisans employed menaces, and even shown a disposition of executing violence by the hands of the soldiery, affairs had instantly come to extremity between the crown and the mitre (Ibid.).

While this quarrel, joined to so many other grievances, increased the discontents among the people, the empress, invited by the opportunity, and secretly encouraged by the legate himself, landed (22nd Sept.) in England with Robert, Earl of Gloucester, and a retinue of a hundred and forty knights. She fixed her residence at Arundel Castle, whose gates were opened to her by Adelais, the queen-dowager, now married to William de Albini, Earl of Sussex; and she excited by messengers her partisans to take arms in every county of England. Adelais, who had expected that her daughter-in-law would have invaded the kingdom with a much greater force, became apprehensive of danger and Matilda, to ease her of her fears, removed first to Bristol, which belonged to her brother Robert, thence to Gloucester, where she remained under the protection of Milo, a gallant nobleman in those parts who had embraced her cause. Soon after Geoffrey Talbot, William Mohun, Ralph Lovel, William Fitz-John, William

Fitz-Alan, Paganell, and many other barons declared for her; and her party, which was generally favoured in the kingdom, seemed every day to gain ground upon that of her antagonist.

Were we to relate all the military events transmitted to us by contemporary and authentic historians, it would be easy to swell our accounts of this reign into a large volume; but those incidents, so little memorable in themselves, and so confused both in time and place, could afford neither instruction nor entertainment to the reader. It suffices to say that the war was spread into every quarter, and that those turbulent barons who had already shaken off in a great measure the restraint of government, having now obtained the pretence of a public cause, carried on their devastations with redoubled fury, exercised implacable vengeance on each other, and set no bounds to their oppressions over the people. The castles of the nobility were become receptacles of licensed robbers, who, sallying forth day and night, committed spoil on the open country, on the villages, and even on the cities, put the captives to torture in order to make them reveal their treasure, sold their persons to slavery, and set fire to their houses after they had pillaged them of everything valuable. The fierceness of their disposition, leading them to commit wanton destruction, frustrated their rapacity of its purpose, and the poverty and persons even of the ecclesiastics, generally so much revered, were at last, from necessity, exposed to the same outrage which had laid waste the rest of the kingdom. The land was left untillied; the instruments of husbandry were destroyed or abandoned; and a grievous famine, the natural result of those disorders, affected equally both parties, and reduced the spoilers, as well as the defenceless people, to the most extremewant and indigence (Chron. Sax., p. 238, W. Malm., p. 185).

After several fruitless negotiations and treaties of peace, which never interrupted these destructive hostilities, there happened (A.D. 1140) at last an event which seemed to promise some end of the public calamities. Ralph, Earl of Chester, and his half brother, William de Roumara, partisans of Matilda, had surprised the castle of Lincoln; but the citizens, who were better affected to Stephen, having invited him to their aid, that prince laid close siege to the castle, in hopes of soon rendering himself master of the place, either by assault or by famine. The Earl of Gloucester hastened with an army to the relief of his friends; and Stephen, informed of his approach, took the field with a resolution of giving him battle. After a violent shock, the two wings of the royalists were (A.D. Feb. 2, 1141) put to flight, and Stephen himself, surrounded by the enemy, was at last, after exerting great efforts of valour, borne down by numbers and taken prisoner. He was conducted to Gloucester, and though at first treated with humanity, was afterwards thrown into prison and loaded with irons.

Stephen's party was entirely broken by the captivity of their leader, and the barons came in daily from all quarters and did homage to Matilda. The princess, however, amidst all her prosperity, knew that she was not secure of success unless she could gain the confidence of the clergy; and as the conduct of the legate had been of late very ambiguous, and showed his intentions to have rather aimed at humbling his brother than totally ruining him, she employed every endeavour to

fix him in her interests. She (March 2) held a conference with him in an open plain near Winchester; where she promised upon oath that if he would acknowledge her for sovereign, would recognise her title as the sole descendant of the late king, and would again submit to the allegiance which he, as well as the rest of the kingdom, had sworn to her, he should in return be entire master of the administration, and in particular should, at his pleasure, dispose of all vacant bishoprics and abbeys. Earl Robert, her brother, Brian Fitz-Count, Milo of Gloucester, and other great men became guarantees for her observing these engagements (W. Malm., p. 187); and the prelate was at last induced to promise her allegiance, but that still burdened with the express condition that she should on her part fulfil her promises. He then conducted her to Winchester, led her in procession to the cathedral, and with great solemnity, in the presence of many bishops and abbots, denounced curses against all those who cursed her, poured out blessings on those who blessed her, granted absolution to such as were obedient to her, and excommunicated such as were rebellious (Chron. Sax., p. 242; Contin. Flor. Wig., p. 676). Theobald, Archbishop of Canterbury, soon after came also to court, and swore allegiance to the empress Matilda (W. Malm., p. 187).

Matilda, that she might further ensure the attachment of the clergy, was willing to receive the crown from their hands; and instead of assembling the states of the kingdom, the measure which the constitution, had it been either fixed or regarded, seemed necessarily to require, she was content that the legate should summon an ecclesiastical synod, and that her title to the throne should there be acknowledged. The legate, addressing himself to the assembly, told them that in the absence of the empress, Stephen, his brother, had been permitted to reign, and previously to his ascending the throne, had seduced them by many fair promises of honouring and exalting the Church, of maintaining the laws, and of reforming all abuses. That it grieved him to observe how much that prince had in every particular been wanting to his engagements; public peace was interrupted, crimes were daily committed with impunity, bishops were thrown into prison and forced to surrender their possessions, abbeys were put to sale, churches were pillaged, and the most enormous disorders prevailed in the administration. That he himself, in order to procure a redress of those grievances, had formerly summoned the king before a council of bishops; but instead of inducing him to amend his conduct, had rather offended him by that expedient. That how much soever misguided, that prince was still his brother, and the object of his affections; but his interests, however, must be regarded as subordinate to those of their heavenly Father, who had now rejected him and thrown him into the hands of his enemies. That as it principally belonged to the clergy to elect and ordain kings, he had summoned them together for that purpose; and having invoked the Divine assistance, he now pronounced Matilda the only descendant of Henry, their late sovereign, Queen of England. The whole assembly, by their acclamations or silence, gave, or seemed to give, their assent to this declaration.<sup>1</sup>

<sup>1</sup> W. Malm., p. 188. This author, a judicious man, was present, and says that he was very attentive to what passed. This speech, therefore, may be regarded as genuine.

The only laymen summoned to this council which decided the fate of the crown, were the Londoners; and even these were required not to give their opinion, but to submit to the decrees of the synod. The deputies of London, however, were not so passive; they insisted that their king should be delivered from prison; but were told by the legate that it became not the Londoners, who were regarded as noblemen in England, to take part with those barons who had basely forsaken their lord in battle, and who had treated the holy Church with contumely (W. Malm., p. 188). It is with reason that the citizens of London assumed so much authority, if it be true what is related by Fitz-Stephen, a contemporary author, that that city could at this time bring into the field no less than 80,000 combatants.<sup>1</sup>

London, notwithstanding its great power and its attachment to Stephen, was at length obliged to submit to Matilda; and her authority, by the prudent conduct of Earl Robert, seemed to be established over the whole kingdom; but affairs remained not long in this situation. That princess, besides the disadvantages of her sex, which weakened her influence over a turbulent and martial people, was of a passionate, imperious spirit, and knew not how to temper with affability the harshness of a refusal. Stephen's queen, seconded by many of the nobility, petitioned for the liberty of her husband, and offered that on this condition he should renounce the crown and retire into a convent. The legate desired that Prince Eustace, his nephew, might inherit Boulogne and the other patrimonial estates of his father (Brompton, p. 1031). The Londoners applied for the establishment of King Edward's laws, instead of those of King Henry, which they said were grievous and oppressive (Contin. Flor. Wig., p. 677; Gervase, p. 1355). All these petitions were rejected in the most peremptory manner.

The legate, who had probably never been sincere in his compliance with Matilda's government, availed himself of the ill-humour excited by this imperious conduct, and secretly instigated the Londoners to a revolt. A conspiracy was entered into to seize the person of the empress, and she saved herself from the danger by a precipitate retreat. She fled to Oxford. Soon after she went to Winchester, whither the legate, desirous to save appearances, and watching the opportunity to ruin her cause, had retired. But having assembled all his retainers, he openly joined his force to that of the Londoners, and to Stephen's mercenary troops, who had not yet evacuated the kingdom, and he besieged Matilda in Winchester. The princess being hard pressed by famine, made her escape, but in the flight, Earl Robert, her brother, fell into the hands of the enemy. This nobleman, though a subject, was as much the life and soul of his own party as Stephen was of the other; and the empress, sensible of his merit and importance, consented to exchange the prisoners on equal terms. The civil war was again kindled with greater fury than ever.

<sup>1</sup> P. 4. Were this account to be depended on, London must at that time have contained near 400,000 inhabitants, which is above double the number it contained at the death of Queen Elizabeth. But these loose calculations, or rather guesses, deserve very little credit. Peter of Blois, a contemporary writer, and a man of sense, says there were then only 40,000 inhabitants in London, which is much more likely. Epist., 151. What Fitz-Stephen says of the prodigious riches, splendour, and commerce of London, proves only the great poverty of the other towns of the kingdom, and indeed of all the northern parts of Europe.

Earl Robert, finding the successes on both sides nearly balanced, went (A.D. 1142) over to Normandy, which, during Stephen's captivity, had submitted to the Earl of Anjou; and he persuaded Geoffrey to allow his eldest son, Henry, a young prince of great hopes, to take a journey into England, and appear (A.D. 1143) at the head of his partisans. This expedient, however, produced nothing decisive. Stephen took Oxford after a long siege: he was defeated by Earl Robert at Wilton; and the empress, though of a masculine spirit, yet being harassed with a variety of good and bad fortune, and alarmed with continual dangers to her person and family, at last (A.D. 1146) retired into Normandy, whither she had sent her son some time before. The death of her brother, which happened nearly about the same time, would have proved fatal to her interests, had not some incidents occurred which checked the course of Stephen's prosperity. This prince, finding that the castles built by the noblemen of his own party, encouraged the spirit of independence, and were little less dangerous than those which remained in the hands of the enemy, endeavoured to extort from them a surrender of those fortresses; and he alienated the affections of many of them by this equitable demand. The artillery also of the Church, which his brother had brought over to his side, had, after some interval, joined the other party. Eugenius III. had mounted the papal throne, the Bishop of Winchester was deprived of the legatine commission, which was conferred on Theobald, Archbishop of Canterbury, the enemy and rival of the former legate. That pontiff also, having summoned a general council at Rheims, in Champagne, instead of allowing the Church of England, as had been usual, to elect its own deputies, nominated five English bishops to represent that Church, and required their attendance in the council. Stephen, who, notwithstanding his present difficulties, was jealous of the rights of his crown, refused them permission to attend (Epist. St. Thom., p. 225); and the Pope, sensible of his advantage in contending with a prince who reigned by a disputed title, took revenge (A.D. 1147) by laying all Stephen's party under an interdict (Chron. W. Thorn., p. 1807). The discontents of the royalists, at being thrown into this situation, were augmented by a comparison with Matilda's party, who enjoyed all the benefits of the sacred ordinances; and Stephen was at last obliged, by making submissions to the see of Rome, to remove the reproach of his party (Epist. St. Thom., p. 226).

The weakness of both sides, rather than any decrease of mutual animosity, having produced a tacit cessation of arms in England, many of the nobility, Roger de Moubray, William de Warenne, and others, finding (A.D. 1148) no opportunity to exert their military ardour at home, enlisted themselves in a new crusade, which with surprising success, after former disappointments and misfortunes, was now preached by St. Bernard (Hagulst, pp. 275, 276). But an event soon after happened (A.D. 1148), which threatened a revival of hostilities in England. Prince Henry, who had reached his sixteenth year, was desirous of receiving the honour of knighthood; a ceremony which every gentleman in that age passed through before he was admitted to the use of arms, and which was even deemed requisite for the greatest princes. He intended to receive his admission from his great

uncle, David, King of Scotland, and for that purpose he passed through England with a great retinue, and was attended by the most considerable of his partisans. He remained some time with the King of Scotland, made incursions into England, and by his dexterity and vigour in all manly exercises, by his valour in war, and his prudent conduct in every occurrence, he roused the hopes of his party, and gave symptoms of those great qualities which he afterwards displayed when he mounted the throne of England. Soon after his return to Normandy, he was (A.D. 1150), by Matilda's consent, invested in that duchy; and upon the death of his father, Geoffrey, which happened in the subsequent year, he took possession both of Anjou and Maine, and concluded a marriage, which brought him a great accession of power, and rendered him extremely formidable to his rival. Eleanor, the daughter and heir of William, Duke of Guienne, and Earl of Poitou, had been married sixteen years to Lewis VII, King of France, and had attended him in a crusade which that monarch conducted against the infidels; but having there lost the affections of her husband, and even fallen under some suspicion of gallantry with a handsome Saracen, Lewis, more delicate than polite, procured a divorce from her, and restored her those rich provinces, which by her marriage she had annexed to the crown of France. Young Henry, neither discouraged by the inequality of years, nor by the reports of Eleanor's gallantries, made (A.D. 1152) successful courtship to that princess, and, espousing her six weeks after her divorce, got possession of all her dominions as her dowry. The lustre which he received from this acquisition, and the prospect of his rising fortune, had such an effect in England, that when Stephen, desirous to ensure the crown to his son Eustace, required the Archbishop of Canterbury to anoint that prince as his successor, the primate refused compliance, and made his escape beyond sea, to avoid the violence and resentment of Stephen.

Henry, informed of these dispositions in the people, made (A.D. 1153) an invasion on England, having gained some advantage over Stephen at Malmesbury, and having taken that place, he proceeded thence to throw succours into Wallingford, which the king had advanced with a superior army to besiege. A decisive action was every day expected, when the great men of both sides, terrified at the prospect of further bloodshed and confusion, interposed with their good offices, and set on foot a negotiation between the rival princes. The death of Eustace, during the course of the treaty, facilitated its conclusion; an accommodation was settled, by which it was agreed that Stephen should possess the crown during his lifetime, that justice should be administered in his name, even in the provinces which had submitted to Henry, and that this latter prince should, on Stephen's demise, succeed to the kingdom, and William, Stephen's son, to Boulogne and his patrimonial estate. After all the barons had sworn to the observance of this treaty, and done homage to Henry, as to the heir of the crown, that prince evacuated the kingdom; and the death of Stephen (Oct. 25, 1154), which happened the next year, after a short illness, prevented all those quarrels and jealousies which were likely to have ensued in so delicate a situation.

England suffered great miseries during the reign of this prince; but

his personal character, allowing for the temerity and injustice of his usurpation, appears not liable to any great exception, and he seems to have been well qualified, had he succeeded by a just title, to have promoted the happiness and prosperity of his subjects (W. Malm, p. 180). He was possessed of industry, activity, and courage, to a great degree; though not endowed with a sound judgment, he was not deficient in abilities; he had the talent of gaining men's affections; and, notwithstanding his precarious situation, he never indulged himself in the exercise of any cruelty or revenge (M. Paris, p. 51; Hagul, p. 312). His advancement to the throne procured him neither tranquillity nor happiness; and though the situation of England prevented the neighbouring states from taking any durable advantage of her confusions, her intestine disorders were to the last degree ruinous and destructive. The court of Rome was also permitted, during those civil wars, to make further advances in her usurpations, and appeals to the Pope, which had always been strictly prohibited by the English laws, became now common in every ecclesiastical controversy (H. Hunt, p. 395).

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## CHAPTER VIII.

### HENRY II.

*State of Europe; of France—First acts of Henry's government.—Disputes between the civil and ecclesiastical powers—Thomas à Becket, Archbishop of Canterbury.—Quarrels between the king and Becket.—Constitution of Clarendon—Banishment of Becket—Compromise with him—His return from banishment—His murder.—Grief—and submission of the king*

THE extensive confederacies, by which the European potentates are now (A.D. 1154) at once united and set in opposition to each other, and which, though they are apt to diffuse the least spark of dissension throughout the whole, are at least attended with this advantage, that they prevent any violent revolutions or conquests in particular states, were totally unknown in ancient ages; and the theory of foreign politics in each kingdom formed a speculation much less complicated and involved than at present. Commerce had not yet bound together the most distant nations in so close a chain; wars, finished in one campaign, and often in one battle, were little affected by the movements of remote states; the imperfect communication among the kingdoms, and their ignorance of each other's situation, made it impracticable for a great number of them to combine in one project or effort; and above all, the turbulent spirit and independent situation of the barons or great vassals in each state gave so much occupation to the sovereign, that he was obliged to confine his attention chiefly to his own state and his own system of government, and was more indifferent about what passed among his neighbours. Religion alone, not politics, carried abroad the views of princes, while it either fixed their thoughts on the Holy Land, whose conquest and defence was deemed a point of common honour and interest, or engaged them in



intrigues with the Roman pontiff, to whom they had yielded the direction of ecclesiastical affairs, and who was every day assuming more authority than they were willing to allow him.

Before the conquest of England by the Duke of Normandy, this island was as much separated from the rest of the world in politics as in situation, and except from the inroads of the Danish pirates, the English, happily confined at home, had neither enemies nor allies on the continent. The foreign dominions of William connected them with the king and great vassals of France, and while the opposite pretensions of the Pope and Emperor in Italy produced a continual intercourse between Germany and that country, the two great monarchs of France and England formed, in another part of Europe, a separate system, and carried on their wars and negotiations without meeting either with opposition or support from the others.

On the decline of the Carolingian race, the nobles, in every province of France, taking advantage of the weakness of the sovereign, and obliged to provide each for his own defence against the ravages of the Norman freebooters, had assumed, both in civil and military affairs, an authority almost independent, and had reduced within very narrow limits the prerogative of their princes. The accession of Hugh Capet, by annexing a great fief to the crown, had brought some addition to the royal dignity; but this fief, though considerable for a subject, appeared a narrow basis of power for a prince who was placed at the head of so great a community. The royal demesnes consisted only of Paris, Orleans, Estampes, Compiègne, and a few places scattered over the northern provinces, in the rest of the kingdom, the prince's authority was rather nominal than real; the vassals were accustomed, nay entitled, to make war, without his permission, on each other; they were even entitled, if they conceived themselves injured, to turn their arms against their sovereign, they exercised all civil jurisdiction without appeal over their tenants and inferior vassals, their common jealousy of the crown easily united them against any attempt on their exorbitant privileges, and as some of them had attained the power and authority of great princes, even the smallest baron was sure of immediate and effectual protection. Besides six ecclesiastical peerages, which, with the other immunities of the Church, cramped extremely the general execution of justice, there were six lay peerages, Burgundy, Normandy, Guienne, Flanders, Toulouse, and Champagne, which formed very extensive and puissant sovereignties. And though the combination of all those princes and barons could on urgent occasions muster a mighty power, yet was it very difficult to set that great machine in movement; it was almost impossible to preserve harmony in its parts, a sense of common interest alone could, for a time, unite them under their sovereign against a common enemy. but if the king attempted to turn the force of the community against any mutinous vassal, the same sense of common interest made the others oppose themselves to the success of his pretensions. Lewis the Gross, the last sovereign, marched at one time to his frontiers against the Germans at the head of an army of 200,000 men; but a petty lord of Corbeil, of Puiset, of Couci, was able at another period to set that prince at defiance, and to maintain open war against him.

The authority of the English monarch was much more extensive within his kingdom, and the disproportion much greater between him and the most powerful of his vassals. His demesnes and revenue were large compared to the greatness of his state, he was accustomed to levy arbitrary exactions on his subjects; his courts of judicature extended their jurisdiction into every part of the kingdom; he could crush by his power, or by a judicial sentence, well or ill founded, any obnoxious baron; and though the feudal institutions which prevailed in his kingdom had the same tendency as in other states to exalt the aristocracy and depress the monarchy, it required in England, according to its present constitution, a great combination of the vassals to oppose their sovereign lord, and there had not hitherto arisen any baron so powerful, as of himself to levy war against the prince, and afford protection to the inferior barons.

While such were the different situations of France and England, and the latter enjoyed so many advantages above the former, the accession of Henry II., a prince of great abilities, possessed of so many rich provinces on the continent, might appear an event dangerous, if not fatal to the French monarchy, and sufficient to break entirely the balance between the states. He was master in the right of his father, of Anjou and Touraine, in that of his mother, of Normandy and Maine, in that of his wife, of Guenne, Poitou, Xaintogne, Auvergne, Perigord, Angoumois, the Limousin. He soon after annexed Brittany to his other states, and was already possessed of the superiority over that province, which, on the first cession of Normandy to Rollo the Dane, had been granted by Charles the Simple in vassalage to that formidable ravager. These provinces composed above a third of the whole French monarchy, and were much superior in extent and opulence to those territories which were subjected to the immediate jurisdiction and government of the king. The vassal was here more powerful than his liege lord, the situation which had enabled Hugh Capet to depose the Carolingian princes seemed to be renewed, and that with much greater advantages on the side of the vassal; and when England was added to so many provinces, the French king had reason to apprehend, from this conjuncture, some great disaster to himself and to his family. But, in reality, it was this circumstance, which appeared so formidable, that saved the Capetian race, and by its consequences, exalted them to that pitch of grandeur which they at present enjoy.

The limited authority of the prince in the feudal constitutions prevented the King of England from employing with advantage the force of so many states which were subjected to his government; and these different members, disjoined in situation, and disagreeing in laws, language, and manners, were never thoroughly cemented into one monarchy. He soon became, both from his distant place of residence, and from the incompatibility of interests, a kind of foreigner to his French dominions, and his subjects on the continent considered their allegiance as more naturally due to their superior lord who lived in their neighbourhood, and who was acknowledged to be the supreme head of their nation. He was always at hand to invade them; their immediate lord was often at too great a distance to protect them, and

any disorder in any part of his dispersed dominions gave advantages against him. The other powerful vassals of the French crown were rather pleased to see the expulsion of the English, and were not affected with that jealousy which would have arisen from the oppression of a co-vassal who was of the same rank with themselves. By this means the King of France found it more easy to conquer those numerous provinces from England, than to subdue a Duke of Normandy or Guienne, a Count of Anjou, Maine, or Poictou. And after reducing such extensive territories, which immediately incorporated with the body of the monarchy, he found greater facility in uniting to the crown of France the other great fiefs which still remained separate and independent.

But as these important consequences could not be foreseen by human wisdom, the King of France remarked with terror the rising grandeur of the house of Anjou or Plantagenet; and, in order to retard its progress, he had ever maintained a strict union with Stephen, and had endeavoured to support the tottering fortunes of that bold usurper. But after this prince's death it was too late to think of opposing the succession of Henry, or preventing the performance of those stipulations which, with the unanimous consent of the nation, he had made with his predecessor. The English, harassed with civil wars, and disgusted with the bloodshed and depredations which, during the course of so many years, had attended them, were little disposed to violate their oaths, by excluding the lawful heir from the succession of their monarchy (Matt. Paris, p. 65). Many of the most considerable fortresses were in the hands of his partisans; the whole nation had had occasion to see the noble qualities with which he was endowed (Gul. Neubr, p. 381), and to compare them with the mean talents of William, the son of Stephen; and as they were acquainted with his great power, and were rather pleased to see the accession of so many foreign dominions to the crown of England, they never entertained the least thoughts of resisting them. Henry himself, sensible of the advantages attending his present situation, was in no hurry to arrive in England, and being engaged in the siege of a castle on the frontiers of Normandy, when he received intelligence of Stephen's death, he made it a point of honour not to depart from his enterprise till he had brought it to an issue. He then (Dec 8, 1154) set out on his journey, and was received in England with the acclamations of all orders, who swore with pleasure the oath of fealty and allegiance to him.

The first act of Henry's government corresponded to the high idea entertained of his abilities, and prognosticated the re-establishment of justice and tranquillity, of which the kingdom had so long been bereaved. He (A.D. 1155) immediately dismissed all those mercenary soldiers who had committed great disorders in the nation; and he sent them abroad, together with William of Ypres, their leader, the friend and confidant of Stephen.<sup>1</sup> He revoked all the grants made by his predecessor (Neubr, p. 382), even those which necessity had extorted from the Empress Matilda; and that princess, who had resigned her rights in favour of Henry, made no opposition to a measure so

<sup>1</sup> Fitz-Steph., p. 13; M. Paris, p. 65, Neubr, p. 381, Chron. T. Wykes, p. 30.

necessary for supporting the dignity of the crown. He repaired the coin, which had been extremely debased during the reign of his predecessor; and he took proper measures against the return of a like abuse (Hoveden, p. 491). He was rigorous in the execution of justice, and in the suppression of robbery and violence, and that he might restore authority to the laws, he caused all the new erected castles to be demolished, which had proved so many sanctuaries to freebooters and rebels.<sup>1</sup> The Earl of Albemarle, Hugh Mortimer, and Roger, the son of Milo of Gloucester, were inclined to make some resistance to this salutary measure; but the approach of the king with his forces soon obliged these barons to submit.

Everything being restored to full tranquillity in England, Henry went (A.D. 1156) abroad in order to oppose the attempts of his brother Geoffrey, who, during his absence, had made an incursion into Anjou and Maine, had advanced some pretensions to those provinces, and had got possession of a considerable part of them.<sup>2</sup> On the king's appearance, the people returned to their allegiance; and Geoffrey, resigning his claim for an annual pension of a thousand pounds, departed and took possession of the county of Nantz, which the inhabitants, who had expelled Count Hoel, had put into his hands. Henry returned to England the following year. the incursions of the Welsh then provoked him to make an invasion upon them, where the natural fastnesses of the country occasioned him great difficulties, and even brought him into danger. His vanguard, being engaged in a narrow pass, was put to rout. Henry de Essex, the hereditary standard-bearer, seized with a panic, threw down the standard, took to flight, and exclaimed that the king was slain; and had not the prince immediately appeared in person, and led on his troops with great gallantry, the consequence might have proved fatal to the whole army (Neubr, p. 383; Chron W. Heming, p. 492). For this misbehaviour, Essex was afterward accused of felony by Robert de Montfort, was vanquished in single combat, his estate was confiscated, and he himself was thrust into a convent (M. Paris, p. 70; Neubr, p. 383). The submissions of the Welsh procured them an accommodation with England.

The martial disposition of the princes in that age engaged them to head their own armies in every enterprise, even the most frivolous, and their feeble authority made it commonly impracticable for them to delegate, on occasion, the command to their generals. Geoffrey, the king's brother, died soon after he had acquired possession of Nantz: though he had no other title to that county than the voluntary submission or election of the inhabitants two years before. Henry laid (A.D. 1158) claim to the territory as devolved to him by hereditary right, and he went over to support his pretensions by force of arms. Conan, Duke or Earl of Brittany (for these titles are given indifferently

<sup>1</sup> Hoveden, p. 491, Fitz-Steph, p. 13, M. Paris, p. 65, Neubr p. 381, Brompton, p. 1043.

<sup>2</sup> William of Newbridge, p. 383 (who is copied by later historians), asserts, that Geoffrey had some title to the counties of Maine and Anjou. He pretends that Count Geoffrey, his father, had left him these dominions by a secret will, and had ordered that his body should not be buried till Henry should swear to the observance of it, which he, ignorant of the contents, was induced to do. But besides that this story is not very likely in itself, and savours of monkish fiction, it is found in no other ancient writer, and is contradicted by some of them, particularly the monk of Marmoutier, who had better opportunities than Newbridge of knowing the truth. Vita Gaufr. Duc. Norman., p. 103.

by historians to those princes), pretended that Nantz had been lately separated by rebellion from his principality, to which of right it belonged; and immediately, on Geoffrey's death, he took possession of the disputed territory. Lest Lewis, the French king, should interpose in the controversy, Henry paid him a visit, and so allured him by caresses and civilities, that an alliance was contracted between them; and they agreed that young Henry, heir to the English monarchy, should be affianced to Margaret of France; though the former was only five years of age, the latter was in her cradle. Henry, now secure of meeting with no interruption on this side, advanced with his army into Brittany, and Conan, in despair of being able to make resistance, delivered up the county of Nantz to him. The able conduct of the king procured him further and more important advantages from this incident. Conan, harassed with the turbulent disposition of his subjects, was desirous of procuring to himself the support of so great a monarch, and he betrothed his daughter and only child, yet an infant, to Geoffrey, the king's third son, who was of the same tender years. The Duke of Brittany died about seven years after; and Henry, being *mesne* lord and also natural guardian to his son and daughter-in-law, put himself in possession of that principality, and annexed it for the present to his other great dominions.

The king had a prospect of making still further acquisitions; and the activity of his temper suffered no opportunity of that kind to escape him. Philippa, Duchess of Guenne, mother of Queen Eleanor, was the only issue of William IV., Count of Toulouse; and would have inherited his dominions, had not that prince, desirous of preserving the succession in the male line, conveyed the principality to his brother, Raymond de St. Giles, by a contract of sale which was in that age regarded as fictitious and illusory. By this means the title to the county of Toulouse came to be disputed between the male and female heirs; and the one or the other, as opportunities favoured them, had obtained possession. Raymond, grandson of Raymond de St. Giles, was the reigning sovereign; and on Henry reviving his wife's claim, this prince had recourse for protection to the King of France, who was so much concerned in policy to prevent the further aggrandizement of the English monarch. Lewis himself, when married to Eleanor, had asserted the justice of her claim, and had demanded possession of Toulouse (Neubr., p. 387, Chron. W. Heming., p. 494), but his sentiments changing with his interest, he now determined to defend, by his power and authority, the title of Raymond. Henry found that it would be requisite to support his pretensions against potent antagonists; and that nothing but a formidable army could maintain a claim which he had in vain asserted by arguments and manifestoes.

An army composed of feudal vassals was commonly very intractable and undisciplined, both because of the independent spirit of the persons who served in it, and because the commands were not given, either by the choice of the sovereign, or from the military capacity and experience of the officers. Each baion conducted his own vassals; his rank was greater or less, proportioned to the extent of his property; even the supreme command under the prince was often attached to birth; and as the military vassals were obliged to serve only forty

days at their own charge, though, if the expedition were distant, they were put to great expense, the prince reaped little benefit from their attendance. Henry, sensible of these inconveniences, levied (A. D. 1159) upon his vassals in Normandy and other provinces, which were remote from Toulouse, a sum of money in lieu of their service; and this commutation, by reason of the great distance, was still more advantageous to his English vassals. He imposed, therefore, a scutage of 180,000*l.* on the knight's fees, a commutation, to which, though it was unusual, and the first perhaps to be met with in history,<sup>1</sup> the military tenants willingly submitted; and with this money he levied an army which was more under his command and whose service was more durable and constant. Assisted by Berenger, Count of Barcelona, and Trincaval, Count of Nismes, whom he had gained to his party, he invaded the county of Toulouse; and after taking Verdun, Castlenau, and other places, he besieged the capital of the province, and was likely to prevail in the enterprise; when Lewis, advancing before the arrival of his main body, threw himself into the place with a small reinforcement. Henry was urged by some of his ministers to prosecute the siege, to take Lewis prisoner, and to impose his own terms in the pacification; but he either thought it so much his interest to maintain the feudal principles, by which his foreign dominions were secured, or bore so much respect to his superior lord, that he declared he would not attack a place defended by him in person, and he immediately raised the siege (Fitz-Steph., p. 22; Diceto, p. 531). He marched into Normandy to protect that province against an incursion which the Count of Dieux, instigated by King Lewis, his brother, had made upon it. War was now openly carried on between the two monarchs, but produced no memorable event; it soon (A. D. 1160) ended in a cessation of arms, and that followed by a peace which was not, however, attended with any confidence or good correspondence between those rival princes. The fortress of Gisors, being part of the dowry stipulated to Margaret of France, had been consigned by agreement to the knights templars, on condition that it should be delivered into Henry's hands after the celebration of the nuptials. The king, that he might have a pretence for immediately demanding the place, ordered the marriage to be solemnized between the prince and princess, though both infants,<sup>2</sup> and he engaged the grand-master of the templars, by large presents, as was generally suspected, to put him in possession of Gisors.<sup>3</sup> Lewis resenting this fraudulent conduct, banished the templars, and (A. D. 1161) would have made war upon the

<sup>1</sup> Madox, p. 435, Gervase, p. 138. The sum scarcely appears credible, as it would amount to much above half the rent of the whole land. Gervase is indeed a contemporary author: but churchmen are often guilty of strong mistakes of that nature, and are commonly but little acquainted with the public revenues. This sum would make 540,000*l.* of our present money. The Norman Chron., p. 995, says that Henry raised only sixty Angevin shillings on each knight's fee in his foreign dominions. This is only a fourth of the sum which Gervase says he levied on England: an inequality nowise probable. A nation may by degrees be brought to bear a tax of fifteen shillings in the pound, but a sudden and precarious tax can never be imposed to that amount, without a very visible necessity, especially in an age so little accustomed to taxes. In the succeeding reign the rent of a knight's fee was computed at four pounds a year. There were 60,000 knights' fees in England.

<sup>2</sup> Hoveden, p. 492, Neubr., p. 400, Diceto, p. 532, Brompton, p. 1490.

<sup>3</sup> Since the first publication of this history, Lord Lyttelton has published a copy of the treaty between Henry and Lewis, by which it appears, if there was no secret article, that Henry was not guilty of any fraud in this transaction.

King of England, had it not been for the mediation and authority of Pope Alexander III, who had been chased from Rome by the Anti-Pope, Victor VI, and resided at that time in France. That we may form an idea of the authority possessed by the Roman pontiff during those ages, it may be proper to observe that the two kings had the year before met the Pope at the castle of Torci, on the Loire, and they gave him such marks of respect, that both dismounted to receive him, and holding each of them one of the reins of his bridle, walked on foot by his side, and conducted him in that submissive manner into the castle (Trivet, p. 48). 'A spectacle,' cried Baronius in an ecstasy, 'to God, angels, and men; and such as had never before been exhibited to the world!'

Henry, soon (A.D. 1162) after he had accommodated his differences with Lewis by the Pope's mediation, returned to England; where he commenced an enterprise which, though required by sound policy, and even conducted in the main with prudence, bled him great disquietude, involved him in danger, and was not concluded without some loss and dishonour.

The usurpations of the clergy, which had at first been gradual, were now become so rapid, and had mounted to such a height, that the contest between the regale and pontificale was really arrived at a crisis in England; and it became necessary to determine whether the king or the priests, particularly the Archbishop of Canterbury, should be sovereign of the kingdom (Fitz-Stephens, p. 27). The aspiring spirit of Henry, which gave inquietude to all his neighbours, was not likely long to pay a tame submission to the encroachments of subjects; and as nothing opens the eyes of men so readily as their interest, he was in no danger of falling, in this respect, into that abject superstition which retained his people in subjection. From the commencement of his reign, in the government of his foreign dominions as well as of England, he had shown a fixed purpose to repress clerical usurpations, and to maintain those prerogatives which had been transmitted to him by his predecessors. During the schism of the papacy between Alexander and Victor, he had determined, for some time, to remain neutral; and when informed that the Archbishop of Rouen and the Bishop of Mans had, from their own authority, acknowledged Alexander as legitimate Pope, he was so enraged that, though he spared the Archbishop on account of his great age, he immediately issued orders for overthrowing the house of the Bishop of Mans and Archdeacon of Rouen;<sup>1</sup> and it was not till he had deliberately examined the matter, by those views which usually enter into the councils of princes, that he allowed that pontiff to exercise authority over any of his dominions. In England, the mild character and advanced years of Theobald, Archbishop of Canterbury, together with his merits in refusing to put the crown on the head of Eustace, son of Stephen, prevented Henry,

<sup>1</sup> Fitz-Stephens, p. 18. This conduct appears violent and arbitrary; but was suitable to the strain of administration in those days. His father Geoffrey, though represented as a mild prince, set him an example of much greater violence. When Geoffrey was master of Normandy, the chapter of Sees presumed, without his consent, to proceed to the election of a bishop, upon which he ordered all of them, with the bishop elect, to be castrated, and made all their testicles be brought him in a platter. Fitz-Stephens, p. 44. In the war of Toulouse, Henry laid a heavy and an arbitrary tax on all the churches within his dominions. Epist. St. Thom., p. 232.

during the lifetime of that primate, from taking any measures against the multiplied encroachments of the clergy; but after his death, the king resolved to exert himself with more activity, and to besecure against any opposition, he advanced to that dignity Becket, his chancellor, on whose compliance, he thought, he could entirely depend.

Thomas à Becket, the first man of English descent who, since the Norman conquest, had, during the course of a whole century, risen to any considerable station, was born of reputable parents in the city of London; and being endowed both with industry and capacity, he early insinuated himself into the favour of Archbishop Theobald, and obtained from that prelate some preferments and offices. By their means he was enabled to travel for improvement to Italy, where he studied the civil and canon law at Bologna, and on his return, he appeared to have made such proficiency in knowledge, that he was promoted by his patron to the archdeaconry of Canterbury, an office of considerable trust and profit. He was afterwards employed with success by Theobald in transacting business at Rome; and on Henry's accession, he was recommended to that monarch as worthy of further preferment. Henry, who knew that Becket had been instrumental in supporting that resolution of the archbishop which had tended so much to facilitate his own advancement to the throne, was already prepossessed in his favour; and finding, on further acquaintance, that his spirit and abilities entitled him to any trust, he soon promoted him to the dignity of chancellor, one of the first civil offices in the kingdom. The chancellor, in that age, besides the custody of the great seal, had possession of all vacant prelacies and abbeys, he was the guardian of all such minors and pupils as were the king's tenants; all baronies which escheated to the crown were under his administration; he was entitled to a place in council, even though he were not particularly summoned; and as he exercised also the office of secretary of state, and it belonged to him to countersign all commissions, writs, and letters-patent, he was a kind of prime minister, and was concerned in the despatch of every business of importance (Fitz-Steph, p. 13). Besides exercising this high office, Becket, by the favour of the king or archbishop, was made Provost of Beverley, Dean of Hastings, and Constable of the Tower; he was put in possession of the honours of Eye and Berkham, large baronies that had escheated to the crown; and to complete his grandeur, he was entrusted with the education of Prince Henry, the king's eldest son, and heir of the monarchy (Ibid, p. 15; Hist Quad, pp 9, 14). The pomp of his retinue, the sumptuousness of his furniture, the luxury of his table, the munificence of his presents, corresponded to these great preferments; or rather exceeded anything that England had ever before seen in any subject. His historian and secretary, Fitz-Stephens (p. 15), mentions among other particulars, that his apartments were every day in winter covered with clean straw or hay, and in summer with green rushes or boughs; lest the gentlemen who paid court to him, and who could not, by reason of their great number, find a place at table, should soil their fine clothes by sitting on a dirty floor.<sup>1</sup> A

<sup>1</sup> John Baldwin held the manor of Oterasee, in Aylesbury, of the king in soccage, by the service of finding litter for the king's bed, viz, in summer, grass or herbs, and two grey geese, and in the winter, straw, and three eels, thrice in the year, if the king should come



great number of knights were retained in his service; the greatest barons were proud of being received at his table; his house was a place of education for the sons of the chief nobility; and the king himself frequently vouchsafed to partake of his entertainments. As his way of life was splendid and opulent, his amusements and occupations were gay, and partook of the cavalier spirit, which, as he had only taken deacon's orders, he did not think unbefitting his character. He employed himself in leisure hours in hunting, hawking, gaming, and horsemanship; he exposed his person in several military actions (Fitz-Steph, p. 23; Hist Quad, p. 9); he carried over, at his own charge, seven hundred knights to attend the king in his wars at Toulouse; in the subsequent wars on the frontiers of Normandy, he maintained, during forty days, twelve hundred knights and four thousand of their train (Fitz-Steph, pp. 19, 20, 22, 23); and in an embassy to France, with which he was entrusted, he astonished that court by the number and magnificence of his retinue.

Henry, besides committing all his more important business to Becket's management, honoured him with his friendship and intimacy; and whenever he was disposed to relax himself by sports of any kind, he admitted his chancellor to the party (Ibid, p. 16; Hist Quad, p. 8). An instance of their familiarity is mentioned by Fitz-Stephens, which, as it shows the manners of the age, it may not be improper to relate. One day, as the king and the chancellor were riding together in the streets of London, they observed a beggar, who was shivering with cold. Would it not be very praiseworthy, said the king, to give that poor man a warm coat in this severe season? It would, surely, replied the chancellor; and you do well, sir, in thinking of such good actions. Then he shall have one presently, cried the king, and seizing the skirt of the chancellor's coat, which was scarlet, and lined with ermine, began to pull it violently. The chancellor defended himself for some time; and they had both of them like to have tumbled off their horses in the street, when Becket, after a vehement struggle, let go his coat; which the king bestowed on the poor beggar, who, being ignorant of the quality of the persons, was not a little surprised at the present (Fitz-Steph, p. 16).

Becket, who, by his complaisance and good-humour had rendered himself agreeable, and by his industry and abilities useful, to his master, appeared to him the fittest person for supplying the vacancy made by the death of Theobald. As he was well acquainted with the king's intentions (Ibid., p. 17) of retrenching, or rather confining within the ancient bounds, all ecclesiastical privileges, and always showed a ready disposition to comply with them (Ibid., p. 23; Epist. St. Thom., p. 232), Henry, who never expected any resistance from that quarter, immediately issued orders for electing him Archbishop of Canterbury. But this resolution, which was taken contrary to the opinion of Matilda, and many of the ministers (Epist. St. Thom., p. 167), drew after it very unhappy consequences; and never prince of so great penetration appeared, in the issue, to have so little understood the genius and the character of his minister.

No sooner was Becket installed in this high dignity, which rendered him for life the second person in the kingdom, with some pretensions

of aspiring to be the first, than he totally altered his demeanour and conduct, and endeavoured to acquire the character of sanctity, of which his former busy and ostentatious course of life might, in the eyes of the people, have naturally bereaved him. Without consulting the king, he immediately returned into his hands the commission of chancellor, pretending, that he must thenceforth detach himself from secular affairs, and be solely employed in the exercise of his spiritual function; but in reality, that he might break off all connections with Henry, and apprise him, that Becket, as primate of England, was now become entirely a new personage. He maintained, in his retinue and attendants alone, his ancient pomp and lustre, which was useful to strike the vulgar in his own person he affected the greatest austerity and most rigid mortification, which he was sensible would have an equal or a greater tendency to the same end. He wore sackcloth next his skin, which, by his affected care to conceal it, was necessarily the more remarked by all the world; he changed it so seldom, that it was filled with dirt and vermin, his usual diet was bread, his drink water, which he even rendered further unpalatable by the mixture of unsavoury herbs; he tore his back with the frequent discipline which he inflicted on it; he daily on his knees washed, in imitation of Christ, the feet of thirteen beggars, whom he afterwards dismissed with presents (Fitz-Steph, p. 25; Hist Quad, p. 19). He gained the affections of the monks by his frequent charities to the convents and hospitals every one, who made profession of sanctity, was admitted to his conversation, and returned full of panegyrics on the humility as well as on the piety and mortification of the holy primate, he seemed to be perpetually employed in reciting prayers and pious lectures, or in perusing religious discourses; his aspect wore the appearance of seriousness and mental recollection and secret devotion; and all men of penetration plainly saw that he was meditating some great design, and that the ambition and ostentation of his character had turned itself towards a new and more dangerous object.

Becket waited not till Henry should commence those projects against the ecclesiastical power which he knew had been formed by that prince; he was himself the aggressor, and endeavoured to overawe the king by the intrepidity and boldness of his enterprises. He summoned (A.D. 1163) the Earl of Clare to surrender the barony of Tunbridge, which, ever since the conquest, had remained in the family of that nobleman, but which, as it had formerly belonged to the see of Canterbury, Becket pretended his predecessors were prohibited by the canons to alienate. The Earl of Clare, besides the lustre which he derived from the greatness of his own birth and the extent of his possessions, was allied to all the principal families in the kingdom; his sister, who was a celebrated beauty, had further extended his credit among the nobility, and was even supposed to have gained the king's affections; and Becket could not better discover, than by attacking so powerful an interest, his resolution of maintaining with vigour the rights, real or pretended, of his see (Fitz-Steph, p. 28).

William de Eynsford, a military tenant of the crown, was patron of a living which belonged to a manor that held of the Archbishop of Canterbury, but Becket, without regard to William's right, presented,

on a new and legal pretext, one Laurence to that living, who was violently expelled by Eynsford. The primate, making himself, as was usual in spiritual courts, both judge and party, issued, in a summary manner, the sentence of excommunication against Eynsford, who complained to the king, that he, who held in capite of the crown, should, contrary to the practice established by the Conqueror, and maintained ever since by his successors, be subjected to that terrible sentence, without the previous consent of the sovereign (*M. Paris*, p. 7; *Diceto*, p. 536). Henry, who had now broken off all personal intercourse with Becket, sent him, by a messenger, his orders to absolve Eynsford, but received for answer, that it belonged not to the king to inform him whom he should absolve and whom excommunicate (*Fitz-Steph*, p. 28): and it was not till after many remonstrances and menaces, that Becket, though with the worst grace imaginable, could be induced to comply with the royal mandate.

Henry, though he found himself thus grievously mistaken in the character of the person whom he had promoted to the primacy, determined not to desist from his former intention of retrenching clerical usurpations. He was entirely master of his extensive dominions, the prudence and vigour of his administration, attended with perpetual success, had raised his character above that of any of his predecessors (*Epist. St. Thom.*, p. 130), the papacy seemed to be weakened by a schism which divided all Europe: and he rightly judged that if the present favourable opportunity were neglected, the crown must, from the prevalent superstition of the people, be in danger of falling into an entire subordination under the mitre.

The union of the civil and ecclesiastical power serves extremely, in every civilized government, to the maintenance of peace and order; and prevents those mutual encroachments, which, as there can be no ultimate judge between them, are often attended with the most dangerous consequences. Whether the supreme magistrate, who unites these powers, receives the appellation of prince or prelate, is not material: the superior weight which temporal interests commonly bear in the apprehensions of men, above spiritual, renders the civil part of his character most prevalent; and in time prevents those gross impostures and bigoted persecutions, which, in all false religions, are the chief foundation of clerical authority. But, during the progress of ecclesiastical usurpations, the state, by the resistance of the civil magistrate, is naturally thrown into convulsions; and it behoves the prince, both for his own interest and for that of the public, to provide, in time, sufficient barriers against so dangerous and insidious a rival. This precaution had hitherto been much neglected in England, as well as in other catholic countries, and affairs at last seemed to have come to a dangerous crisis: a sovereign of the greatest abilities was now on the throne; a prelate of the most inflexible and intrepid character was possessed of the primacy, the contending powers appeared to be armed with their full force, and it was natural to expect some extraordinary event to result from their conflict.

Among their other inventions to obtain money, the clergy had inculcated the necessity of penance as an atonement for sin; and having again introduced the practice of paying them large sums as a com-

mutation, or species of atonement, for the remission of those penances, the sins of the people, by these means, had become a revenue to the priests, and the king computed that, by this invention alone, they levied more money upon his subjects, than flowed, by all the funds and taxes, into the royal exchequer (Fitz-Steph, p. 32). That he might ease the people of so heavy and arbitrary an imposition, Henry required that a civil officer of his appointment should be present in all ecclesiastical courts, and should for the future give his consent to every composition made with sinners for their spiritual offences.

The ecclesiastics in that age had renounced all immediate subordination to the magistrate. They openly pretended to an exemption in criminal accusations from a trial before courts of justice; and were gradually introducing a like exemption in civil causes. Spiritual penalties alone could be inflicted on their offences; and as the clergy had extremely multiplied in England, and many of them were consequently of very low characters, crimes of the deepest dye, murders, robberies, adulteries, rapes, were daily committed with impunity by the ecclesiastics. It had been found, for instance, on inquiry, that no less than a hundred murders had, since the king's accession, been perpetrated by men of that profession, who had never been called to account for these offences (Neubr., p. 394); and holy orders were become a full protection for all enormities. A clerk in Worcestershire, having debauched a gentleman's daughter, had at this time proceeded to murder the father; and the general indignation against this crime moved the king to attempt the remedy of an abuse which was become so palpable, and to require that the clerk should be delivered up and receive condign punishment from the magistrate (Fitz-Steph, p. 33; Hist Quad., p. 32). Becket insisted on the privileges of the Church; confined the criminal in the bishop's prison, lest he should be seized by the king's officers, maintained that no greater punishment could be inflicted on him than degradation, and when the king demanded that, immediately after he was degraded, he should be tried by the civil power, the primate asserted that it was iniquitous to try a man twice upon the same accusation, and for the same offence<sup>1</sup>.

Henry, laying hold of so plausible a pretence, resolved to push the clergy with regard to their privileges, which they raised to an enormous height, and determine at once those controversies which daily multiplied between the civil and the ecclesiastical jurisdictions. He summoned an assembly of all the prelates of England; and he put to them this concise and decisive question, Whether or not they were willing to submit to the ancient laws and customs of the kingdom? The bishops unanimously replied that they were willing, 'saving their own order',<sup>2</sup> a device, by which they thought to elude the present urgency of the king's demand, yet reserve to themselves, on a favourable opportunity, the power of resuming all their pretensions. The king was sensible of the artifice, and was provoked to the highest indignation. He left the assembly with visible marks of his displeasure. He required the primate instantly to surrender the honours and castles of Eye and

<sup>1</sup> Fitz-Steph, p. 29, Hist Quad., pp. 33, 45, Hoveden, p. 492, M Paris, p. 72, Diceto, pp. 536, 537, Brompton, p. 1058, Gervase, p. 1384, Epist St Thom., pp. 208, 209.

<sup>2</sup> Fitz-Steph, p. 31, Hist Quad., p. 34, Hoveden p. 492.

Berkham. The bishops were terrified, and expected still further effects of his resentment. Becket alone was inflexible; and nothing but the interposition of the Pope's legate and almoner, Philip, who dreaded a breach with so powerful a prince at so unseasonable a juncture, could have prevailed on him to retract the saving clause, and give a general and absolute promise of observing the ancient customs.<sup>1</sup>

But Henry was not content with a declaration in these general terms. He resolved, ere it was too late, to define expressly those customs with which he required compliance, and to put a stop to clerical usurpations before they were fully consolidated, and could plead antiquity, as they already did a sacred authority, in their favour. The claims of the Church were open and visible. After a gradual and insensible progress during many centuries, the mask had at last been taken off, and several ecclesiastical councils, by their canons, which were pretended to be irrevocable and infallible, had positively defined those privileges and immunities which gave such general offence, and appeared so dangerous to the civil magistrate. Henry therefore deemed it necessary to define with the same precision the limits of the civil power, to oppose his legal customs to their Divine ordinances, to determine the exact boundaries of the rival jurisdictions, and for this purpose he summoned a general council of the nobility and prelates at Clarendon, to whom (Jan. 25, 1164) he submitted this great and important question.

The barons were all gained to the king's party, either by the reasons which he urged, or by his superior authority; the bishops were overawed by the general combination against them; and the following laws, commonly called the Constitutions of Clarendon, were voted without opposition by this assembly (Fitz-Steph., p. 33). It was enacted that all suits concerning the advowson and presentation of churches should be determined in the civil courts. That the churches belonging to the king's see should not be granted in perpetuity without his consent. That clerks, accused of any crime, should be tried in the civil courts. That no person, particularly no clergyman of any rank, should depart the kingdom without the king's licence. That excommunicated persons should not be bound to give security for continuing in their present place of abode. That laics should not be accused in spiritual courts, except by legal and reputable promoters and witnesses. That no chief tenant of the crown should be excommunicated, nor his lands be put under an interdict, except with the king's consent. That all appeals in spiritual causes should be carried from the archdeacon to the bishop, from the bishop to the primate, from him to the king, and should be carried no further without the king's consent. That if any lawsuit arose between a layman and a clergyman concerning a tenant, and it be disputed whether the land be a lay or an ecclesiastical fee, it should first be determined by the verdict of twelve lawful men to what class it belonged; and if it be found to be a lay fee, the cause should finally be determined in the civil courts. That no inhabitant in demesne should be excommunicated for non-appearance in a spiritual court, till the chief officer of the place where he resides be consulted, that he may compel him by the civil authority to give satisfaction to the Church. That the archbishops, bishops, and other spiritual dignita-

<sup>1</sup> Hist. Quad., p. 37; Hoveden, p. 493; Gervase, p. 1385.

nes should be regarded as barons of the realm; should possess the privileges and be subjected to the burdens belonging to that rank; and should be bound to attend the king in his great councils, and assist at all trials, till the sentence, either of death or loss of members, be given against the criminal. That the revenue of vacant sees should belong to the king, the chapter, or such of them as he pleases to summon, should sit in the king's chapel till they made the new election with his consent, and that the bishop-elect should do homage to the crown. That if any baron or tenant in capite should refuse to submit to the spiritual courts, the king should employ his authority in obliging him to make such submissions; if any of them throw off his allegiance to the king, the prelates should assist the king with their censures in reducing him. That goods, forfeited to the king, should not be protected in churches or churchyards. That the clergy should no longer pretend to the right of enforcing payment of debts contracted by oath or promise; but should leave these lawsuits, equally with others, to the determination of the civil courts. And that the sons of villains should not be ordained clerks without the consent of their lord.<sup>1</sup>

These articles, to the number of sixteen, were calculated to prevent the chief abuses which had prevailed in ecclesiastical affairs, and to put an effectual stop to the usurpations of the Church, which, gradually stealing on, had threatened the total destruction of the civil power. Henry, therefore, by reducing those ancient customs of the realm to writing, and by collecting them in a body, endeavoured to prevent all future dispute with regard to them; and by passing so many ecclesiastical ordinances in a national and civil assembly, he fully established the superiority of the legislature above all papal decrees or spiritual canons, and gained a signal victory over the ecclesiastics. But as he knew that the bishops, though overawed by the present combination of the crown and the barons, would take the first favourable opportunity of denying the authority which had enacted these constitutions, he resolved that they should all set their seal to them, and give a promise to observe them. None of the prelates dared to oppose his will, except Becket, who, though urged by the Earls of Cornwall and Leicester, the barons of principal authority in the kingdom, obstinately withheld his assent. At last, Richard de Hastings, grand prior of the templars in England, threw himself on his knees before him, and with many tears entreated him if he paid any regard either to his own safety or that of the Church, not to provoke by a fruitless opposition the indignation of a great monarch who was resolutely bent on his purpose, and who was determined to take full revenge on every one that should dare to oppose him (*Hist Quad*, p. 38; *Hoveden*, p. 493). Becket, finding himself deserted by all the world, even by his own brethren, was at last obliged to comply, and he promised 'legally, with good faith, and without fraud or reserve' (*Fitz-Steph.*, p. 35; *Epist. St. Thom.*, p. 25), to observe the constitutions, and he took an oath to that purpose.<sup>2</sup> The king, thinking that he had now finally prevailed in this great enterprise, sent the constitutions to Pope Alexander, who then resided

<sup>1</sup> *Hist. Quadr.*, p. 163, *M. Paris*, pp. 70, 71, *Spelm. Conc.*, vol. II, p. 63, *Gervase*, pp. 1386, 1387, *Wilkins*, p. 321.

<sup>2</sup> *Fitz-Stephens*, p. 45, *Hist. Quad.*, p. 39, *Gervase*, p. 1386.

in France; and he required that pontiff's ratification of them. But Alexander, who, though he had owed the most important obligations to the king, plainly saw that these laws were calculated to establish the independency of England on the papacy, and of the royal power on the clergy, condemned them in the strongest terms, abrogated, annulled, and rejected them. There were only six articles, the least important, which for the sake of peace he was willing to ratify.

Becket, when he observed that he might hope for support in an opposition, expressed the deepest sorrow for his compliance, and endeavoured to engage all the other bishops in a confederacy to adhere to their common rights, and to the ecclesiastical privileges in which he represented the interest and honour of God to be so deeply concerned. He redoubled his austerities in order to punish himself for his criminal assent to the Constitutions of Clarendon. He proportioned his discipline to the enormity of his supposed offence, and he refused to exercise any part of his archiepiscopal function till he should receive absolution from the Pope, which was readily granted him. Henry, informed of his present dispositions, resolved to take vengeance for this refractory behaviour, and he attempted to crush him by means of that very power which Becket made such merit in supporting. He applied to the Pope that he should grant the commission of legate in his dominions to the Archbishop of York; but Alexander, as politic as he, though he granted the commission, annexed a clause that it should not empower the legate to execute any act in prejudice of the Archbishop of Canterbury (Epist. St. Thom. p. 13). And the king, finding how fruitless such an authority would prove, sent back the commission by the same messenger that brought it (Hoveden, p. 493; Gervase, p. 1388).

The primate, however, who found himself still exposed to the king's indignation, endeavoured twice to escape secretly from the kingdom, but was as often detained by contrary winds, and Henry hastened to make him feel the effects of an obstinacy which he deemed so criminal. He instigated John, mareschal of the exchequer, to sue Becket in the archiepiscopal court for some lands, part of the manor of Paghham; and to appeal thence to the king's court for justice (Hoveden, p. 494, M. Paris, p. 72; Diceto, p. 537). On the day appointed for trying the cause, the primate sent four knights to represent certain irregularities in John's appeal; and at the same time to excuse himself on account of sickness for not appearing personally that day in the court. This slight offence (if it even deserve the name) was represented as a grievous contempt; the four knights were menaced, and with difficulty escaped being sent to prison, as offering falsehoods to the court;<sup>1</sup> and Henry being determined to prosecute Becket to the utmost, summoned at Northampton a great council, which he purposed to make the instrument of his vengeance against the inflexible prelate.

<sup>1</sup> I follow here the narrative of Fitz-Stephens, who was secretary to Becket, though, no doubt, he may be suspected of partiality towards his patron. Lord Lyttelton chooses to follow the authority of a manuscript letter, or rather a manifesto, of Foliot, Bishop of London, which is addressed to Becket himself, at the time when the bishop appealed to the Pope from the excommunication pronounced against him by his primate. My reasons why I give the preference to Fitz-Stephens, are 1. If the friendship of Fitz-Stephens might render him partial to Becket, even after the death of that prelate, the declared enmity of the bishop must, during his lifetime, have rendered him more partial on the other side. 2. The bishop was moved by interest, as well as enmity, to calumniate Becket. He had himself to defend

The king had raised Becket from a low station to the highest offices, had honoured him with his countenance and friendship, had trusted to his assistance in forwarding his favourite project against the clergy; and when he found him become of a sudden his most rigid opponent, while every one beside complied with his will, rage at the disappointment, and indignation against such signal ingratitude, transported him beyond all bounds of moderation; and there seems to have entered more of passion than of justice, or even of policy, in this violent prosecution (Neubr, p. 394). The barons, notwithstanding, in the great council, voted whatever sentence he was pleased to dictate to them; and the bishops themselves, who undoubtedly bore a secret favour to Becket, and regarded him as the champion of their privileges, concurred with the rest in the design of oppressing their primate. In vain did Becket urge that his court was proceeding with the utmost regularity and justice in trying the mareschal's cause; which, however, he said would appear from the sheriff's testimony to be entirely unjust and iniquitous. That he himself had discovered no contempt of the king's court, but on the contrary, by sending four knights to excuse his absence, had virtually acknowledged its authority. That he also, in consequence of the king's summons, personally appeared at present in the great council, ready to justify his cause against the mareschal, and to submit his conduct to their inquiry and jurisdiction. That even should it be found that he had been guilty of non-appearance, the laws had affixed a very slight penalty to that offence; and that as he was an inhabitant of Kent, where his archiepiscopal

against the sentence of excommunication, dreadful to all, especially to a prelate, and no more effectual means than to throw all the blame on his adversary <sup>3</sup> He has actually been guilty of palpable calumnies in that letter. Among these I reckon the following. He affirms, that when Becket subscribed the constitutions of Clarendon, he said plainly to all the bishops of England, 'It is my master's pleasure that I should forswear myself, and at present I submit to it, and do resolve to incur a perjury, and repent afterwards as I may.' However barbarous the times, and however negligent zealous churchmen were then of morality, these are not words which a primate of great sense, and of much seeming sanctity, would employ in an assembly of his suffragans; he might act upon these principles, but never surely would publicly avow them. Folliot also says, that all the bishops were resolved obstinately to oppose the constitutions of Clarendon, but the primate himself betrayed them from timidity, and led the way to their subscribing. This is contrary to the testimony of all the historians, and directly contrary to Becket's character, who surely was not destitute either of courage or of zeal for ecclesiastical immunities <sup>4</sup> The violence or injustice of Henry, ascribed to him by Fitz-Stephens, is of a piece with the rest of the prosecution. Nothing could be more iniquitous than, after two years' silence, to make a sudden and unprepared demand upon Becket to the amount of 44,000 marks (equal to a sum of nearly a million in our time), and not allow him the least interval to bring in his accounts. If the king was so palpably oppressive in one article, he may be presumed to be equally so in the rest. <sup>5</sup> Though Folliot's letter, or rather manifesto, be addressed to Becket himself, it does not acquire more authority on that account. We know not what answer was made by Becket the collection of letters cannot be supposed quite complete. But that the collection was not made by one (whoever he were) very partial to that primate, appears from the tenor of them, where there are many passages very little favourable to him. Inasmuch that the editor of them at Brussels, a Jesuit, thought proper to publish them with great omissions, particularly of this letter of Folliot's. Perhaps Becket made no answer at all, as not deigning to write to an excommunicated person, whose very commerce would contaminate him, and the bishop, trusting to this arrogance of his primate, might calumniate him the more freely. <sup>6</sup> Though the sentence pronounced on Becket by the great council implies that he had refused to make any answer to the king's court, this does not fortify the narrative of Folliot, for if his excuse was rejected as false and frivolous, it would be treated as no answer. Becket submitted so far to the sentence of confiscation of goods and chattels, that he gave surety, which is a proof that he meant not at that time to question the authority of the king's courts. <sup>7</sup> It may be worth observing, that both the author of *Historia Quadrupartita*, and Gervase, contemporary writers, agree with Fitz-Stephens, and the latter is not usually very partial to Becket. All the ancient historians give the same account.



palace was seated, he was by law entitled to some greater indulgence than usual in the rate of his fine (Fitz-Steph., pp. 37, 42). Notwithstanding these pleas, he was condemned as guilty of a contempt of the king's court and as wanting in the fealty which he had sworn to his sovereign; all his goods and chattels were confiscated;<sup>1</sup> and that this triumph over the Church might be carried to the utmost, Henry, Bishop of Winchester, the prelate who had been so powerful in the former reign, was, in spite of his remonstrances, obliged, by order of the court, to pronounce the sentence against him (Fitz-Steph., p. 37). The primate submitted to the decree; and all the prelates, except Folliott, Bishop of London, who paid court to the king by this singularity, became sureties for him (Ibid.). It is remarkable that several Norman barons voted in this council; and we may conclude, with some probability, that a like practice had prevailed in many of the great councils summoned since the Conquest. For the contemporary historian, who has given us a full account of these transactions, does not mention this circumstance as anywise singular (Fitz-Steph., p. 36), and Becket, in all his subsequent remonstrances with regard to the severe treatment which he had met with, never founds any objection on an irregularity which to us appears very palpable and flagrant. So little precision was there in the government and constitution.

The king was not content with this sentence, however violent and oppressive. Next day he demanded of Becket the sum of 300*l*., which the primate had levied upon the honours of Eye and Berkham, while in his possession. Becket, after premising that he was not obliged to answer to this suit because it was not contained in his summons; after remarking that he had expended more than that sum in the repairs of those castles and of the royal palace at London, expressed however his resolution that money should not be any ground of quarrel between him and his sovereign, he agreed to pay the sum, and immediately gave sureties for it (Ibid., p. 38). In the subsequent meeting, the king demanded five hundred marks, which he affirmed he had lent Becket during the war at Toulouse (Hist. Quad., p. 47), and another sum to the same amount, for which that prince had been surety for him to a Jew. Immediately after these two claims, he preferred a third of still greater importance, he required him to give in the accounts of his administration while chancellor, and to pay the balance due from the revenues of all the prelacies, abbeys, and baronies, which had during that time been subjected to his management (Hoveden, p. 494; Diceto, p. 537). Becket observed that, as this demand was totally unexpected, he had not come prepared to answer it; but he required a delay, and promised in that case to give satisfaction. The king insisted upon sureties, and Becket desired leave to consult his suffragans in a case of such importance (Fitz-Steph., p. 38).

It is apparent from the known character of Henry, and from the usual vigilance of his government, that when he promoted Becket to the see of Canterbury he was on good grounds well pleased with his administration in the former high office with which he had entrusted him; and that even if that prelate had dissipated money beyond the income of his place, the king was satisfied that his expenses were not

<sup>1</sup> Hist. Quad., p. 47, Hoveden, p. 494; Gervase, p. 1389.

blamable, and had in the main been calculated for his service (Hoveden, p. 495). Two years had since elapsed, no demand had during that time been made upon him; it was not till the quarrel arose concerning ecclesiastical privileges that the claim was started, and the primate was of a sudden required to produce accounts of such intricacy and extent before a tribunal which had shown a determined resolution to ruin and oppress him. To find sureties that he should answer so boundless and uncertain a claim, which in the king's estimation amounted to 44,000 marks (Epist. St. Thom., p. 315), was impracticable; and Becket's suffragans were extremely at a loss what counsel to give him in such a critical emergency. By the advice of the Bishop of Winchester he offered 2000 marks as a general satisfaction for all demands; but this offer was rejected by the king (Fitz-Steph., p. 38). Some prelates exhorted him to resign his see, on condition of receiving an acquittal; others were of opinion that he ought to submit himself entirely to the king's mercy (Fitz-Steph., p. 39; Gervase, p. 1390); but the primate, thus pushed to the utmost, had too much courage to sink under oppression; he determined to brave all his enemies, to trust to the sacredness of his character for protection, to involve his cause with that of God and religion, and to stand the utmost efforts of his royal indignation.

After a few days spent in deliberation, Becket went to church and said mass, where he had previously ordered, that the introit to the communion service should begin with these words, 'Princes sat and spake against me,' the passage appointed for the martyrdom of St. Stephen, whom the primate thereby tacitly pretended to resemble in his sufferings for the sake of righteousness. He went thence to court arrayed in his sacred vestments; as soon as he arrived within the palace gate, he took the cross into his own hands, bore it aloft as his protection, and marched in that posture into the royal apartments.<sup>1</sup> The king, who was in an inner room, was astonished at this parade, by which the primate seemed to menace him and his court with the sentence of excommunication, and he sent some of the prelates to remonstrate with him on account of such audacious behaviour. These prelates complained to Becket, that by subscribing himself to the Constitutions of Clarendon he had seduced them to imitate his example; and that now, when it was too late, he pretended to shake off all subordination to the civil power, and appeared desirous of involving them in the guilt which must attend any violation of those laws established by their consent, and ratified by their subscriptions (Fitz-Steph., p. 35). Becket replied, that he had indeed subscribed the Constitutions of Clarendon, 'legally, with good faith, and without fraud or reserve,' but in these words was virtually implied a salvo for the rights of their order, which being connected with the cause of God and His Church, could never be relinquished by their oath and engagements, that if he and they had erred in resigning the ecclesiastical privileges, the best atonement they could now make was to retract their consent, which in such a case could never be obligatory, and to follow the Pope's authority, who had solemnly annulled the Constitu-

<sup>1</sup> Fitz-Stephens, p. 40, Hist. Angl., p. 53, Hoveden, p. 404, Neubr., p. 394, Epist. St. Thom., p. 43.

tions of Clarendon, and had absolved them from all oaths which they had taken to observe them; that a determined resolution was evidently embraced to oppress the Church; the storm had first broken upon him for a slight offence, and which too was falsely imputed to him; he had been tyrannically condemned to a grievous penalty, a new and unheard of claim was since started, in which he could expect no justice; and he plainly saw that he was the destined victim, who by his ruin must prepare the way for the abrogation of all spiritual immunities; that he strictly inhibited them, who were his suffragans, from assisting at any such trial, or giving their sanction to any sentence against him; he put himself and his see under the protection of the supreme pontiff; and appealed to him against any penalty which his iniquitous judges might think proper to inflict upon him; and that, however terrible the indignation of so great a monarch as Henry, his sword could only kill the body, while that of the Church, entrusted into the hands of the primate, could kill the soul, and throw the disobedient into infinite and eternal perdition<sup>1</sup>

Appeals to the Pope, even in ecclesiastical causes, had been abolished by the Constitutions of Clarendon, and were become criminal by law; but an appeal in a civil cause, such as the king's demand upon Becket, was a practice altogether new and unprecedented; it tended directly to the subversion of the government, and could receive no colour of excuse, except from the determined resolution which was but too apparent in Henry and the great council, to effectuate without justice, but under colour of law, the total ruin of the inflexible primate. The king, having now obtained a pretext so much more plausible for his violence, would probably have pushed the affair to the utmost extremity against him, but Becket gave him no leisure to conduct the prosecution. He refused so much as to hear the sentence which the barons, sitting apart from the bishops, and joined to some sheriffs and barons of the second rank,<sup>2</sup> had given upon the king's claim; he departed from the palace, asked Henry's immediate permission to leave Northampton, and upon meeting with a refusal, he withdrew secretly, wandering about in disguise for some time, and at last took shipping, and arrived safely at Gravelines.

The violent and unjust prosecution of Becket had a natural tendency to turn the public favour on his side, and to make men overlook his former ingratitude towards the king, and his departure from all oaths and engagements, as well as the enormity of those ecclesiastical privileges of which he affected to be the champion. There were many other reasons which procured him countenance and protection in foreign countries. Philip, Earl of Flanders (*Epist. St. Thom.*, p. 35), and Lewis, King of France (*Ibid.*, pp. 36, 37), jealous of the rising greatness of Henry, were well pleased to give him disturbance in his government; and forgetting that this was the common cause of princes, they affected to pity extremely the condition of the exiled primate;

<sup>1</sup> *Fitz-Steph.*, pp. 42, 44, 45, 46. *Hist. Quad.*, p. 57. *Hoveden*, p. 495. *M. Paris*, p. 72; *Epist. St. Thom.*, pp. 43, 195.

<sup>2</sup> *Fitz-Steph.*, p. 46. This historian is supposed to mean the more considerable vassals of the chief barons, these had no title to sit in the great council, and the giving them a place there was a palpable irregularity which however is not insisted on in any of Becket's remonstrances. A further proof how little fixed the constitution was at that time!

and the latter even honoured him with a visit at Soissons, in which city he had invited him to fix his residence (*Hist. Quad.*, p 76). The Pope, whose interests were more immediately concerned in supporting him, gave a cold reception to a magnificent embassy which Henry sent to accuse him; while Becket himself, who had come to Sens, in order to justify his cause before the sovereign pontiff, was received with the greatest marks of distinction. The king, in revenge, sequestered the revenues of Canterbury; and, by a conduct which might be esteemed arbitrary had there been at that time any regular check on royal authority, he banished all the primate's relations and domestics, to the number of four hundred, whom he obliged to swear, before their departure, that they would instantly join their patron. But this policy, by which Henry endeavoured to reduce Becket sooner to necessity, lost its effect; the Pope, when they arrived beyond sea, absolved them from their oath, and distributed them among the convents in France and Flanders; a residence was assigned to Becket himself in the convent of Pontigny, where he lived for some years in great magnificence, partly from a pension granted him on the revenues of that abbey, partly from remittances made him by the French monarch.

The more to ingratiate himself with the Pope, Becket (A.D. 1165) resigned into his hands the see of Canterbury, to which he affirmed he had been uncanonically elected by the authority of the royal mandate; and Alexander, in his turn, besides investing him anew with that dignity, pretended to abrogate, by a bull, the sentence which the great council of England had passed against him. Henry, after attempting in vain to procure a conference with the Pope, who departed soon after for Rome, whither the prosperous state of his affairs now invited him, made provisions against the consequences of that breach which impended between his kingdom and the apostolic see. He issued orders to his justiciaries, inhibiting under severe penalties all appeals to the Pope or archbishop, forbidding any one to receive any mandates from them, or apply in any case to their authority; declaring it treasonable to bring from either of them an interdict upon the kingdom, and punishable in secular clergymen by the loss of their eyes and by castration, in regulars by amputation of their feet, and in laics with death; and menacing with sequestration and banishment the persons themselves, as well as their kindred, who should pay obedience to any such interdict; and he further obliged all his subjects to swear to the observance of those orders.<sup>1</sup> These were edicts of the utmost importance, affected the lives and properties of all the subjects, and even changed, for the time, the national religion, by breaking off all communication with Rome, yet were they enacted by the sole authority of the king, and were derived entirely from his will and pleasure.

The spiritual powers, which, in the primitive Church, were, in a great measure, dependent on the civil, had by a gradual progress, reached an equality and independence; and though the limits of the two jurisdictions were difficult to ascertain or define, it was not impossible but, by moderation on both sides, government might still have been conducted in that imperfect and irregular manner which attends

<sup>1</sup> *Hist. Quad.*, pp 88, 167; *Hoveden*, p 496, *M Pans.*, p 73.

all human institutions. But as the ignorance of the age encouraged the ecclesiastics daily to extend their privileges, and even to advance maxims totally incompatible with civil government,<sup>1</sup> Henry had thought it high time to put an end to their pretensions, and formally, in a public council, to fix those powers which belonged to the magistrate, and which he was for the future determined to maintain. In this attempt he was led to re-establish customs, which, though ancient, were beginning to be abolished by a contrary practice, and which were still more strongly opposed by the prevailing opinions and sentiments of the age. Principle, therefore, stood on the one side, power on the other; and if the English had been actuated by conscience more than by present interest, the controversy must soon, by the general defection of Henry's subjects, have been decided against him. Becket, in order to forward this event, filled all places with exclamations against the violence which he had suffered. He compared himself to Christ, who had been condemned by a lay tribunal (*Epist St Thom*, pp 63, 105, 194), and who was crucified anew in the present oppressions under which His Church laboured: he took it for granted, as a point incontestible, that his cause was the cause of God (*Ibid.*, pp. 29, 30, 31, 226); he assumed the character of champion for the patrimony of the Divinity; he pretended to be the spiritual father of the king and all the people of England (*Fitz-Steph*, p. 46, *Epist St Thom.*, pp. 52, 148), he even told Henry that kings reign solely by the authority of the Church;<sup>2</sup> and though he had thus torn off the veil more openly on the one side than that prince had on the other, he seemed still, from the general favour borne him by the ecclesiastics, to have all the advantage in the argument. The king, that he might employ the weapons of temporal power remaining in his hands, suspended the payment of Peter's pence; he made advances towards an alliance with the emperor, Frederic Barbarossa, who was at that time engaged in violent wars with Pope Alexander; he discovered some intentions of acknowledging Pascal III, the present anti-pope, who was protected by that emperor; and by these expedients he endeavoured to terrify the enterprising though prudent pontiff, from proceeding to extremities against him.

But the violence of Becket, still more than the nature of the controversy, kept affairs from remaining long in suspense between the parties. That prelate, instigated by revenge, and animated by the present glory attending his situation, pushed matters to a decision, and issued a censure, excommunicating the king's chief ministers by name, and comprehending in general all those who favoured or obeyed the Constitutions of Clarendon: these constitutions he abrogated and annulled, he absolved all men from the oaths which they had taken to observe them; and he suspended the spiritual thunder over Henry, only that the prince might avoid the blow by a timely repentance.<sup>3</sup>

The situation of Henry was so unhappy, that he could employ no expedient for saving his ministers from this terrible censure but by

<sup>1</sup> 'Quis dubitet,' says Becket to the king, 'sacerdotes Christi regum et principum omniumque fidelium patres et magistros censeri.' *Epist St Thom*, pp 97, 148.

<sup>2</sup> Brady's Append., No. 56, *Epist St Thom*, pp 94, 95, 97, 99, 197, Hoveden, p 497.

<sup>3</sup> *Fitz-Steph*, p. 56, *Hist Quad*, p 93; *M. Paris*, p 74; *Beaulieu, Vie de St Thom*, p. 213; *Epist. St. Thom*, pp. 149, 229; *Hoveden*, p. 499.

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appealing to the Pope himself, and having recourse to a tribunal whose authority he had himself attempted to abridge in this very article of appeals, and which, he knew, was so deeply engaged on the side of his adversary. But even this expedient was not likely to be long effectual. Becket had obtained from the Pope a legatine commission over England; and in virtue of that authority, which admitted of no appeal, he summoned the Bishops of London, Salisbury, and others, to attend him, and ordered, under pain of excommunication, the ecclesiastics, on his account, to be restored in two months to all their benefices. But John of Oxford, the king's agent with the Pope, had the address to procure orders for suspending this sentence, and he gave the pontiff such hopes of a speedy reconciliation between the king and Becket, that two legates, William of Pavia and Otho, were sent to Normandy, where the king then resided, and they endeavoured to find expedients for that purpose. But the pretensions of the parties were, as yet, too opposite to admit of an accommodation: the king required that all the Constitutions of Clarendon should be ratified, Becket, that, previously to any agreement, he and his adherents should be restored to their possessions, and as the legates had no power to pronounce a definitive sentence on either side, the negotiation soon after came to nothing. The Cardinal of Pavia also, being much attached to Henry, took care to protract the negotiation; to mitigate the Pope by the accounts which he sent of that prince's conduct, and to procure him every possible indulgence from the see of Rome. About this time the king had also the address to obtain a dispensation for the marriage of his third son, Geoffrey, with the heiress of Brittany; a concession which, considering Henry's demerits towards the Church, gave great scandal both to Becket and to his zealous patron the King of France.

The intricacies of the feudal law had in that age rendered the boundaries of power between the prince and his vassals, and between one prince and another, as uncertain as those between the crown and the mitre; and all wars took their origin from disputes, which, had there been any tribunal possessed of power to enforce their decrees, ought to have been decided only before a court of judicature. Henry, in prosecution of some controversies in which he was involved with the Count of Auvergne, a vassal of the duchy of Guienne, had (A.D. 1167) invaded the territories of that nobleman, who had recourse to the King of France, his superior lord, for protection, and thereby kindled a war between the two monarchs. But this war was, as usual, no less feeble in its operations than it was frivolous in its cause and object, and after occasioning some mutual depredations,<sup>1</sup> and some insurrections among the barons of Poitou and Guienne, was terminated by a peace. The terms of this peace were rather disadvantageous to Henry, and prove that that prince had, by reason of his contest with the Church, lost the superiority which he had hitherto maintained over the crown of France; an additional motive to him for accommodating those differences.

The Pope and the king began at last to perceive, that, in the present situation of affairs, neither of them could expect a final and decisive

<sup>1</sup> Hoveden, p. 517, M. Paris, p. 75; Diceto, p. 547, Gervase, pp. 1402, 1403, Robert de Monte.

victory over the other, and that they had more to fear than to hope from the duration of the controversy. Though the vigour of Henry's government had confirmed his authority in all his dominions, his throne might be shaken by a sentence of excommunication, and if England itself could, by its situation, be more easily guarded against the contagion of superstitious prejudices, his French provinces, at least, whose communication was open with the neighbouring states, would be much exposed, on that account, to some great revolution or convulsion (Epist. St. Thom., p. 230). He could not, therefore, reasonably imagine that the Pope, while he retained such a check upon him, would formally recognise the Constitutions of Clarendon, which both put an end to papal pretensions in England, and would give an example to other states of asserting a like independency (Ibid., p. 276). Pope Alexander, on the other hand, being still engaged in dangerous wars with the Emperor Frederic, might justly apprehend that Henry, rather than relinquish claims of such importance, would join the party of his enemy, and as the trials hitherto made of the spiritual weapons by Becket had not succeeded to his expectation, and everything had remained quiet in all the king's dominions, nothing seemed impossible to the capacity and vigilance of so great a monarch. The disposition of minds on both sides, resulting from these circumstances, produced frequent attempts towards an accommodation; but as both parties knew that the essential articles of the dispute could not then be terminated, they entertained a perpetual jealousy of each other, and were anxious not to lose the least advantage in the negotiation. The nuncios, Gratian and Vivian, having received a commission to endeavour a reconciliation, met with the king in Normandy; and after all differences seemed to be adjusted, Henry offered to sign the treaty, with a salvo to his royal dignity; which gave such umbrage to Becket, that the negotiation, in the end, became fruitless, and the excommunications were renewed against the king's ministers. Another negotiation was conducted at Montmirail, in presence of the King of France and the French prelates, where Becket also offered to make his submissions, with a salvo to the honour of God and the liberties of the Church; which, for a like reason, was extremely offensive to the king, and rendered the treaty abortive. A third conference (A.D. 1169) under the same mediation was broken off, by Becket's insisting on a like reserve in his submissions, and even in a fourth treaty, when all the terms were adjusted, and when the primate expected to be introduced to the king, and to receive the kiss of peace, which it was usual for princes to grant in those times, and which was regarded as a pure pledge of forgiveness, Henry refused him that honour; under pretence that, during his anger, he had made a rash vow to that purpose. This formality served, among such jealous spirits, to prevent the conclusion of the treaty; and though the difficulty was attempted to be overcome by a dispensation which the Pope granted to Henry from his vow, that prince could not be prevailed on to depart from the resolution which he had taken.

In one of these conferences, at which the French king was present, Henry said to that monarch, 'There have been many kings of England, some of greater, some of less authority than myself: there have also been

'many archbishops of Canterbury, holy and good men, and entitled to every kind of respect; let Becket but act towards me with the same submission which the greatest of his predecessors have paid to the least of mine, and there shall be no controversy between us.' Lewis was so struck with this state of the case, and with an offer which Henry made to submit his cause to the French clergy, that he could not forbear condemning the primate, and withdrawing his friendship from him during some time, but the bigotry of that prince, and their common animosity against Henry, soon produced a renewal of their former good correspondence.

All difficulties were at last adjusted between the parties; and the king (July 22, 1170) allowed Becket to return, on conditions which may be esteemed both honourable and advantageous to that prelate. He was not required to give up any rights of the Church, or resign any of those pretensions which had been the original ground of the controversy. It was agreed that all these questions should be buried in oblivion; but that Becket and his adherents should, without making any further submission, be restored to all their livings, and that even the possessors of such benefices as depended on the see of Canterbury, and had been filled during the primate's absence, should be expelled, and Becket have liberty to supply the vacancies (Fitz-Steph, pp 68, 69; Hoveden, p. 520). In return for concessions which entrenched so deeply on the honour and dignity of the crown, Henry reaped only the advantage of seeing his ministers absolved from the sentence of excommunication pronounced against them, and of preventing the interdict which, if these hard conditions had not been complied with, was ready to be laid on all his dominions.<sup>1</sup> It was easy to see how much he dreaded that event, when a prince of so high a spirit could submit to terms so dishonourable in order to prevent it. So anxious was Henry to accommodate all differences, and to reconcile himself fully with Becket, that he took the most extraordinary steps to flatter his vanity, and even, on one occasion, humiliated himself so far as to hold the stirrup of that prelate while he mounted (Epist. 45, lib v).

But the king attained not even that temporary tranquillity which he had hoped to reap from these expedients. During the heat of his quarrel with Becket, while he was every day expecting an interdict to be laid on his kingdom, and a sentence of excommunication to be fulminated against his person, he had thought it prudent to have his son, Prince Henry, associated with him in the royalty, and to make him be crowned king by the hands of Roger, Archbishop of York. By this precaution he both ensured the succession of that prince, which, considering the many past irregularities in that point, could not but be esteemed somewhat precarious; and he preserved at least his family on the throne, if the sentence of excommunication should have the effect which he dreaded, and should make his subjects renounce their allegiance to him. Though this design was conducted with expedition and secrecy, Becket, before it was carried into execution, had got intelligence of it; and being desirous of obstructing all Henry's measures, as well as anxious to prevent this affront to himself, who

<sup>1</sup> Hist. Quad, p 104. Brompton, p 1062. Gervase, p 1408. Epist. St. Thom., pp 704, 705, 706, 707, 792, 793, 794. Benedict Abbas, p. 70.



pretended to the sole right, as Archbishop of Canterbury, to officiate in the coronation, he had inhibited all the prelates of England from assisting at this ceremony, had procured from the Pope a mandate to the same purpose,<sup>1</sup> and had incited the King of France to protest against the coronation of young Henry, unless the princess, daughter of that monarch, should at the same time receive the royal unction. There prevailed in that age an opinion which was akin to its other superstitions, that the royal unction was essential to the exercise of royal power (Epist. St. Thom, p 708). It was therefore natural both for the King of France, careful of his daughter's establishment, and for Becket, jealous of his own dignity, to demand in the treaty with Henry some satisfaction in this essential point. Henry, after apologising to Lewis for the omission with regard to Margaret, and excusing it on account of the secrecy and despatch requisite for conducting that measure, promised that the ceremony should be renewed in the persons both of the prince and princess; and he assured Becket that besides receiving the acknowledgments of Roger and the other bishops for the seeming affront put on the see of Canterbury, the primate should, as a further satisfaction, recover his rights by officiating in this coronation. But the violent spirit of Becket, elated by the power of the Church, and by the victory which he had already obtained over his sovereign, was not content with this voluntary compensation, but resolved to make the injury, which he pretended to have suffered, a handle for taking revenge on all his enemies. On his arrival in England, he met the Archbishop of York and the Bishops of London and Salisbury, who were on their journey to the king in Normandy; he notified to the archbishop the sentence of suspension, and to the two bishops that of excommunication, which, at his solicitation, the Pope had pronounced against them. Reginald de Wareme, and Gervase de Cornhill, two of the king's ministers, who were employed on their duty in Kent, asked him, on hearing of this bold attempt, whether he meant to bring fire and sword into the kingdom? But the primate, heedless of the reproach, proceeded in the most ostentatious manner to take possession of his diocese. In Rochester, and all the towns through which he passed, he was received with the shouts and acclamations of the populace. As he approached Southwark, the clergy, the laity, men of all ranks and ages, came forth to meet him, and celebrated with hymns of joy his triumphant entrance. And though he was obliged, by order of the young prince, who resided at Woodstock, to return to his diocese, he found that he was not mistaken when he reckoned upon the highest veneration of the public towards his person and his dignity. He proceeded, therefore, with the more courage to dart his spiritual thunders; he issued the sentence of excommunication against Robert de Broc, and Nigel de Sackville, with many others, who either had assisted at the coronation of the prince, or been active in the late persecution of the exiled clergy. This violent measure by which he, in effect, denounced war against the king himself, is commonly ascribed to the vindictive disposition and imperious character of Becket; but as this prelate was also a man of acknowledged abilities, we are not, in his passions alone, to look for the cause of his conduct,

<sup>1</sup> Hist. Quad, p 203; Epist. St. Thom, p 682, Gervase, p. 1412.

when he proceeded to these extremities against his enemies. His sagacity had led him to discover all Henry's intentions; and he proposed, by this bold and unexpected assault, to prevent the execution of them.

The king, from his experience of the dispositions of his people, was become sensible that his enterprise had been too bold, in establishing the Constitutions of Clarendon, in defining all the branches of royal power, and in endeavouring to extort from the Church of England, as well as from the Pope, an express avowal of these disputed prerogatives. Conscious also of his own violence in attempting to break or subdue the inflexible primate, he was not displeased to undo that measure which had given his enemies such advantage against him; and he was contented that the controversy should terminate in that ambiguous manner which was the utmost that princes, in those ages, could hope to attain in their disputes with the see of Rome. Though he dropped, for the present, the prosecution of Becket, he still reserved to himself the right of maintaining that the Constitutions of Clarendon, the original ground of the quarrel, were both the ancient customs and the present law of the realm; and though he knew that the papal clergy asserted them to be impious in themselves, as well as abrogated by the sentence of the sovereign pontiff, he intended, in spite of their clamours, steadily to put those laws in execution (Epist. St Thom, pp 837, 839), and to trust to his own abilities and to the course of events for success in that perilous enterprise. He hoped that Becket's experience of a six years' exile would, after his pride was fully gratified by his restoration, be sufficient to teach him more reserve in his opposition, or if any controversy arose, he expected henceforth to engage in a more favourable cause, and to maintain with advantage, while the primate was not in his power (Fitz-Steph, p. 65), the ancient and undoubted customs of the kingdom against the usurpations of the clergy. But Becket, determined not to betray the ecclesiastical privileges by his connivance (Epist. St Thom., p. 345), and apprehensive lest a prince of such profound policy, if allowed to proceed in his own way, might probably in the end prevail, resolved to take all the advantage which his present victory gave him, and to disconcert the cautious measures of the king by the vehemence and rigour of his own conduct (Fitz-Steph, p. 74). Assured of support from Rome, he was little intimidated by dangers which his courage taught him to despise, and which, even if attended with the most fatal consequences, would serve only to gratify his ambition and thirst of glory (Epist. St Thom., pp 818, 848).

When the suspended and excommunicated prelates arrived at Baieux, where the king then resided, and complained to him of the violent proceedings of Becket, he instantly perceived the consequences, was sensible that his whole plan of operations were overthrown, foresaw that the dangerous contest between the civil and spiritual powers, a contest which he himself had first roused, but which he had endeavoured by all his late negotiations and concessions to appease, must come to an immediate and decisive issue, and he was thence thrown into the most violent commotion. The Archbishop of York remarked to him, that so long as Becket lived he could never expect to enjoy peace or tranquillity; the king himself being vehemently agitated,

burst forth into an exclamation against his servants, whose want of zeal, he said, had so long left him exposed to the enterprises of that ungrateful and imperious prelate (Gervase, p 1414, Parker, p 207). Four gentlemen of his household, Reginald Fitz-Urse, William de Traci, Hugh de Moreville, and Richard Brito, taking these passionate expressions to be a hint for Becket's death, immediately communicated their thoughts to each other, and swearing to avenge their prince's quarrel, secretly withdrew from court.<sup>1</sup> Some menacing expressions which they had dropped gave a suspicion of their design, and the king despatched a messenger after them, charging them to attempt nothing against the person of the primate (Hist Quad, p 144, Trivet, p 55), but these orders arrived too late to prevent their fatal purpose. The four assassins, though they took different roads to England, arrived nearly about the same time at Saltwoode, near Canterbury; and being there joined by some assistants, they proceeded in great haste to the archiepiscopal palace. They found the primate, who trusted entirely to the sacredness of his character, very slenderly attended; and though they threw out many menaces and reproaches against him, he was so incapable of fear, that without using any precautions against their violence, he immediately went to St. Benedict's church to hear vespers. They (Dec 29, 1170) followed him thither, attacked him before the altar, and having cloven his head with many blows, retired without meeting any opposition. This was the tragical end of Thomas à Becket, a prelate of the most lofty, intrepid, and inflexible spirit, who was able to cover to the world, and probably to himself, the enterprises of pride and ambition under the disguise of sanctity and of zeal for the interests of religion; an extraordinary personage, surely, had he been allowed to remain in his first station, and had directed the vehemence of his character to the support of law and justice, instead of being engaged, by the prejudices of the times, to sacrifice all private duties and public connections to ties which he imagined, or represented, as superior to every civil and political consideration. But no man who enters into the genius of that age can reasonably doubt of this prelate's sincerity. The spirit of superstition was so prevalent that it infallibly caught every careless reasoner, much more every one whose interest and honour and ambition were engaged to support it. All the wretched literature of the times was enlisted on that side; some faint glimmerings of common sense might sometimes pierce through the thick clouds of ignorance, or what was worse, the illusions of perverted science, which had blotted out the sun, and enveloped the face of nature; but those who preserved themselves untainted by the general contagion proceeded on no principles which they could pretend to justify, they were more indebted to their total want of instruction than to their knowledge, if they still retained some share of understanding; folly was possessed of all the schools as well as all the Churches, and her votaries assumed the garb of philosophers, together with the ensigns of spiritual dignities. Throughout that large collection of letters which bears the name of St. Thomas, we find in all the retainers of that aspiring prelate, no less than in himself, a most entire and absolute conviction of the reason and piety of their own party, and

<sup>1</sup> M. Paris, p 86, Brompton, p 2065, Benedict. Abbas, p. 20

a disdain of their antagonists; nor is there less cant and grimace in their style when they address each other, than when they compose manifestoes for the perusal of the public. The spirit of revenge, violence, and ambition, which accompanied their conduct, instead of forming a presumption of hypocrisy, are the surest pledges of their sincere attachment to a cause which so much flattered these domineering passions.

Henry, on the first report of Becket's violent measures, had purposed to have him arrested, and had already taken some steps towards the execution of that design. But the intelligence of his murder threw the prince into great consternation; and he was immediately sensible of the dangerous consequences which he had reason to apprehend from so unexpected an event. An archbishop of reputed sanctity assassinated before the altar, in the exercise of his functions, and on account of his zeal in maintaining ecclesiastical privileges, must attain the highest honours of martyrdom, while his murderer would be ranked among the most bloody tyrants that ever were exposed to the hatred and detestation of mankind. Interdicts and excommunications, weapons in themselves so terrible, would, he foresaw, be armed with double force when employed in a cause so much calculated to work on the human passions, and so peculiarly adapted to the eloquence of popular preachers and declaimers. In vain would he plead his own innocence, and even his total ignorance of the fact, he was sufficiently guilty, if the Church thought proper to esteem him such; and his concurrence in Becket's martyrdom, becoming a religious opinion, would be received with all the implicit credit which belonged to the most established articles of faith. These considerations gave the king the most unaffected concern; and as it was extremely his interest to clear himself from all suspicion, he took no care to conceal the depth of his affliction.<sup>1</sup> He shut himself up from the light of day, and from all commerce with his servants; he even refused, during three days, all food and sustenance (*Hist. Quad.*, p. 143). The courtiers, apprehending dangerous effects from his despair, were at last obliged to break in upon his solitude; and they employed every topic of consolation, induced him to accept of nourishment, and occupied his leisure in taking precautions against the consequences which he so justly apprehended from the murder of the primate.

The point of chief importance to Henry was to convince the Pope of his innocence; or rather, to persuade him that he would reap greater advantages from the submissions of England, than from proceeding to extremities against that kingdom. The Archbishop of Rouen, the Bishop of Worcester and Evreux, with five persons of inferior quality, were (A.D. 1171) immediately despatched to Rome (*Hoveden*, p. 526; *M. Paris*, p. 87), and orders were given them to perform their journey with the utmost expedition. Though the name and authority of the court of Rome were so terrible in the remote countries of Europe, which were sunk in profound ignorance and were entirely unacquainted with its character and conduct the Pope was so little revered at home, that his inveterate enemies surrounded the gates of Rome itself, and even controlled his

<sup>1</sup> *Ypod. Neust.*, p. 447, *M. Paris*, p. 87, *Diceto*, p. 556, *Gervase*, p. 1479

government in that city; and the ambassadors who, from a distant extremity of Europe, carried to him the humble, or rather abject submissions of the greatest potentate of the age, found the utmost difficulty to make their way to him, and to throw themselves at his feet. It was agreed that Richard Barre, one of their number, should leave the rest behind, and run all the hazards of the passage (Hoveden, p. 526, Epist. St. Thom., p. 863), in order to prevent the fatal consequences which might ensue from any delay in giving satisfaction to his holiness. He found, on his arrival, that Alexander was already wrought up to the greatest rage against the king; that Becket's partisans were daily stimulating him to revenge; that the King of France had exhorted him to fulminate the most dreadful sentence against England, and that the very mention of Henry's name before the sacred college was received with every expression of horror and execration. The Thursday before Easter was now approaching, when it is customary for the Pope to denounce annual cruises against all his enemies, and it was expected that Henry should, with all the preparations peculiar to the discharge of that sacred artillery, be solemnly comprehended in the number. But Barre found means to appease the pontiff, and to deter him from a measure which, if it failed of success, could not afterwards be easily recalled; the anathemas were only levelled in general against all the actors, accomplices, and abettors of Becket's murder. The Abbot of Valasse, and the Archdeacons of Salisbury and Lisieux, with others of Henry's ministers, who soon after arrived, besides asserting their prince's innocence, made oath before the whole consistory that he would stand to the Pope's judgment in the affair, and make every submission that would be required of him. The terrible blow was thus artfully eluded, the Cardinals Albert and Theodin were appointed legates to examine the cause, and were ordered to proceed to Normandy for that purpose; and though Henry's foreign dominions were already laid under an interdict by the Archbishop of Sens, Becket's great partisan, and the Pope's legate in France, the general expectation, that the monarch would easily exculpate himself from any concurrence in the guilt, kept every one in suspense, and prevented all the bad consequences deduced from that sentence.

The clergy, meanwhile, though their rage was happily diverted from falling on the king, were not idle in magnifying the sanctity of Becket, in extolling the merits of his martyrdom, and in exalting him above all that devoted tribe, who, in several ages, had by their blood cemented the fabric of the temple. Other saints had only borne testimony by their sufferings to the general doctrines of Christianity; but Becket had sacrificed his life to the power and privileges of the clergy, and this peculiar merit challenged, and not in vain, a suitable acknowledgment to his memory. Endless were the panegyrics on his virtues; and the miracles, wrought by his relics, were more numerous, more nonsensical, and more impudently attested than those which ever filled the legend of any confessor or martyr. Two years after his death he was canonized by Pope Alexander, a solemn jubilee was established for celebrating his merits, his body was removed to a magnificent shrine, enriched with presents from all parts of Christendom; pilgrimages were performed to obtain his intercession with

Heaven, and it was computed that, in one year, above a hundred thousand pilgrims arrived in Canterbury, and paid their devotions at his tomb. It is indeed a mortifying reflection to those who are actuated by the love of fame, so justly denominated the last infirmity of noble minds, that the wisest legislator and most exalted genius that ever reformed or enlightened the world can never expect such tributes of praise as are lavished on the memory of pretended saints, whose whole conduct was probably, to the last degree, odious or contemptible, and whose industry was entirely directed to the pursuit of objects pernicious to mankind. It is only a conqueror, a personage no less entitled to our hatred, who can pretend to the attainment of equal renown and glory.

It may not be amiss to remark, before we conclude this subject of Thomas à Becket, that the king, during his controversy with that prelate, was on every occasion more anxious than usual to express his zeal for religion, and to avoid all appearance of a profane negligence on that head. He gave his consent to the imposing of a tax on all his dominions for the delivery of the Holy Land, now threatened by the famous Saladin. This tax amounted to twopence a pound for one year, and a penny a pound for the four subsequent (Chon. Gervase, p. 1399; M Paris, p. 74.) Almost all the princes of Europe laid a like imposition on their subjects, which received the name of Saladin's tax. During this period, there came over from Germany about thirty heretics of both sexes, under the direction of one Geiard, simple, ignorant people, who could give no account of their faith, but declared themselves ready to suffer for the tenets of their master. They made only one convert in England, a woman as ignorant as themselves; yet they gave such umbrage to the clergy, that they were delivered over to the secular arm, and were punished, by being burned on the forehead, and then whipped through the streets. They seemed to exult in their sufferings, and as they went along, sung the beatitude, Blessed are ye when men hate you and persecute you.<sup>1</sup> After they were whipped, they were thrust out almost naked in the midst of winter, and perished through cold and hunger; no one daring, or being willing, to give them the least relief. We are ignorant of the particular tenets of these people; for it would be imprudent to rely on the representations left of them by the clergy, who affirm that they denied the efficacy of the sacraments and the unity of the Church. It is probable that their departure from the standard of orthodoxy was still more subtle and minute. They seem to have been the first that ever suffered for heresy in England.

As soon as Henry found that he was in no immediate danger from the thunders of the Vatican, he undertook an expedition against Ireland; a design which he had long projected, and by which he hoped to recover his credit, somewhat impaired by his late transactions with the hierarchy.

<sup>1</sup> Neubr., p. 391, M Paris, p. 74; Henning, p. 404.

## CHAPTER IX

## HENRY II.

*State of Ireland—Conquest of that island—The king's accommodation with the court of Rome.—Revolt of young Henry and his brothers.—Wars and insurrections—Wars with Scotland—Penance of Henry for Becket's murder.—William, King of Scotland, defeated and taken prisoner.—The king's accommodation with his sons.—The king's equitable administration.—Crusades.—Revolt of Prince Richard—Death and character of Henry.—Miscellaneous transactions of his reign.*

AS Britain was first peopled from Gaul, so was Ireland probably from Britain, and the inhabitants of all these countries seem to have been so many tribes of the Celtæ, who derive their origin from an antiquity that lies far beyond the record of any history or tradition. The Irish, from the beginning of time, had been buried in the most profound barbarism and ignorance; and as they were never conquered, or even invaded by the Romans, from whom all the western world derived its civility, they continued still in the most rude state of society, and were distinguished by those vices alone, to which human nature, not tamed by education or restrained by laws, is for ever subject. The small principalities into which they were divided, exercised perpetual rapine and violence against each other, the uncertain succession of their princes was a continual source of domestic convulsions, the usual title of each petty sovereign was the murder of his predecessor; courage and force, though exercised in the commission of crimes, were more honoured than any pacific virtues, and the more simple arts of life, even tillage and agriculture, were almost wholly unknown among them. They had felt the invasion of the Danes and the other northern tribes, but these incursions, which had spread barbarism in other parts of Europe, tended rather to improve the Irish; and the only towns which were to be found in the island had been planted along the coast by the freebooters of Norway and Denmark. The other inhabitants exercised pasturage in the open country; sought protection from any danger in their forests and morasses; and being divided by the fiercest animosities against each other, were still more intent on the means of mutual injury than on the expedients for common, or even for private interest.

Besides many small tribes, there were, in the age of Henry II., five principal sovereignties in the island, Munster, Leinster, Meath, Ulster, and Connaught, and as it had been usual for the one or the other of these to take the lead in their wars, there was commonly some prince, who seemed for the time to act as monarch of Ireland. Roderic O'Connor, King of Connaught, was then advanced to this dignity (Hoveden, p. 527), but his government, ill obeyed even within its own territory, could not unite the people in any measures, either for the establishment of order or for defence against foreigners. The ambition of Henry had, very early in his reign, been moved by the prospect of these advantages, to attempt the subjecting of Ireland; and a pretence

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was only wanting to invade a people, who, being always confined to their own island, had never given any reason of complaint to any of their neighbours. For this purpose he had recourse to Rome, which assumed a right to dispose of kingdoms and empires; and not foreseeing the dangerous disputes which he was one day to maintain with that see, he helped, for present, or rather for an imaginary convenience, to give sanction to claims which were now become dangerous to all sovereigns. Adrian III., who then filled the papal chair, was by birth an Englishman; and being on that account the more disposed to oblige Henry, he was easily persuaded to act as master of the world, and to make, without any hazard or expense, the acquisition of a great island to his spiritual jurisdiction. The Irish had, by precedent missions from the Britons, been imperfectly converted to Christianity; and, what the Pope regarded as the surest mark of their imperfect conversion, they followed the doctrines of their first teachers, and had never acknowledged any subjection to the see of Rome. Adrian, therefore, in the year 1156, issued a bull in favour of Henry; in which, after premising that this prince had ever shown an anxious care to enlarge the Church of God on earth, and to increase the number of His saints and elect in heaven, he represents his design of subduing Ireland as derived from the same pious motives. He considers his care of previously applying for the apostolical sanction as a sure earnest of success and victory; and having established it as a point incontestible, that all Christian kingdoms belong to the patrimony of St. Peter, he acknowledges it to be his own duty to sow among them the seeds of the gospel, which might in the last day fructify to their eternal salvation. He exhorts the king to invade Ireland, in order to extirpate the vice and wickedness of the natives, and oblige them to pay yearly, from every house, a penny to the see of Rome. He gives him entire right and authority over the island, commands all the inhabitants to obey him as their sovereign, and invests with full power all such godly instruments as he should think proper to employ in an enterprise thus calculated for the glory of God and the salvation of the souls of men<sup>1</sup>. Henry, though armed with this authority, did not immediately put his design in execution; but being detained by more interesting business on the continent, waited for a favourable opportunity of invading Ireland.

Dermot Macmorrogh, King of Leinster, had, by his licentious tyranny, rendered himself odious to his subjects, who seized with alacrity the first occasion that offered of throwing off the yoke, which was become grievous and oppressive to them. This prince had formed a design on Dovergilda, wife of Oronc, Prince of Breffny; and taking advantage of her husband's absence, who being obliged to visit a distant part of his territory, had left his wife secure, as he thought, in an island surrounded by a bog, he suddenly invaded the place and carried off the princess (Girald Camb., p. 760). This exploit, though usual among the Irish, and rather deemed a proof of gallantry and spirit (Spencer, vol. vi), provoked the resentment of the husband; who, having collected forces, and being strengthened by the alliance of Roderic, King of Connaught, invaded the dominions of Dermot, and expelled him his kingdom. The exiled prince had recourse to

<sup>1</sup> M. Paris, p. 67. Girald Camb. Spelm. Concil., vol. II, p. 51. Rymer, vol. i., p. 15.



Henry, who was at this time in Guienne, craved his assistance in restoring him to his sovereignty, and offered, on that event, to hold his kingdom in vassalage under the crown of England. Henry, whose views were already turned towards making acquisitions in Ireland, readily accepted the offer; but being at that time embarrassed by the rebellions of his French subjects, as well as by his disputes with the see of Rome, he declined for the present embarking in the enterprise, and gave Dermot no further assistance than letters patent, by which he empowered all his subjects to aid the Irish prince in the recovery of his dominions (*Girald. Cambr.*, p. 760). Dermot, supported by this authority, came to Bristol, and after endeavouring, though for some time in vain, to engage adventurers in the enterprise, he at last formed a treaty with Richard, surnamed Strongbow, Earl of Strigul. This nobleman, who was of the illustrious house of Clare, had impaired his fortune by expensive pleasures; and being ready for any desperate undertaking, he promised assistance to Dermot, on condition that he should espouse Eva, daughter of that prince, and be declared heir to all his dominions (*Ibid.*, p. 761). While Richard was assembling his succours, Dermot went into Wales, and meeting with Robert Fitz-Stephens, constable of Abertivi, and Maurice Fitz-Gerald, he also engaged them in his service, and obtained their promise of invading Ireland. Being now assured of succour, he returned privately to his own state; and lurking in the monastery of Fernez, which he had founded (for this ruffian was also a founder of monasteries), he prepared everything for the reception of his English allies (*Ibid.*, p. 761).

The troops of Fitz-Stephens were first ready. That gentleman (A.D. 1172) landed in Ireland with thirty knights, sixty esquires, and three hundred archers; but this small body, being brave men, not unacquainted with discipline, and completely armed, a thing almost unknown in Ireland, struck a great terror into the barbarous inhabitants, and seemed to menace them with some signal revolution. The conjunction of Maurice de Pendergast, who about the same time, brought over ten knights and sixty archers, enabled Fitz-Stephens to attempt the siege of Wexford, a town inhabited by the Danes; and after gaining an advantage, he made himself master of the place (*Ibid.*, pp. 761, 762). Soon after, Fitz-Gerald arrived with ten knights, thirty esquires, and a hundred archers (*Girald. Cambr.*, p. 766), and being joined by the former adventurers, composed a force which nothing in Ireland was able to withstand. Roderic, the chief monarch of the island, was foiled in different actions; the Prince of Ossory was obliged to submit, and give hostages for his peaceable behaviour; and Dermot, not content with being restored to his kingdom of Leinster, projected the dethroning of Roderic, and aspired to the sole dominion over the Irish.

In prosecution of these views, he sent over a messenger to the Earl of Strigul, challenging the performance of his promise, and displaying the mighty advantages which might now be reaped by a reinforcement of warlike troops from England. Richard, not satisfied with the general allowance given by Henry to all his subjects, went to that prince, then in Normandy, and having obtained a cold or ambiguous permission, prepared himself for the execution of his design. He first sent over Raymond, one of his retinue, with ten knights and seventy

archers, who, landing near Waterford, defeated a body of three thousand Irish that had ventured to attack him (*Ibid.*, p. 767); and as Richard himself, who brought over two hundred horse and a body of archers, joined a few days after the victorious English, they made themselves masters of Waterford, and proceeded to Dublin, which was taken by assault. Roderic, in revenge, cut off the head of Dermot's natural son, who had been left as a hostage in his hands; and Richard, marrying Eva, became soon after, by the death of Dermot, master of the kingdom of Leinster, and prepared to extend his authority over all Ireland. Roderic and the other Irish princes were alarmed at the danger; and combining together, besieged Dublin with an army of thirty thousand men; but Earl Richard, making a sudden sally at the head of ninety knights, with their followers, put this numerous army to rout, chased them off the field, and pursued them with great slaughter. None in Ireland now dared to oppose themselves to the English (*Girald. Cambr.*, p. 773).

Henry, jealous of the progress made by his own subjects, sent orders to recall all the English, and he made preparations to attack Ireland in person (*Ibid.*, p. 770); but Richard, and the other adventurers, found means to appease him, by making him the most humble submissions, and offering to hold all their acquisitions in vassalage to his crown (*Ibid.*, p. 775). That monarch landed in Ireland at the head of five hundred knights, besides other soldiers, he found the Irish so dispirited by their late misfortunes, that in a progress which he made through the island, he had no other occupation than to receive the homage of his new subjects. He left most of the Irish chieftains or princes in possession of their ancient territories, bestowed some lands on the English adventurers; gave Earl Richard the commission of seneschal in Ireland, and after a stay of a few months, returned in triumph to England. By these trivial exploits, scarcely worth relating, except for the importance of the consequences, was Ireland subdued, and annexed to the English crown.

The low state of commerce and industry, during those ages, made it impracticable for princes to support regular armies which might retain a conquered country in subjection; and the extreme barbarism and poverty of Ireland could still less afford means of bearing the expense. The only expedient by which a durable conquest could then be made or maintained, was by pouring in a multitude of new inhabitants, dividing among them the lands of the vanquished, establishing them in all offices of trust and authority, and thereby transforming the ancient inhabitants into a new people. By this policy, the northern invaders of old, and of late the Duke of Normandy, had been able to fix their dominion, and to erect kingdoms which remained stable on their foundations, and were transmitted to the posterity of the first conquerors. But the state of Ireland rendered that island so little inviting to the English, that only a few of desperate fortunes could be persuaded, from time to time, to transport themselves thither (*Brompton*, p. 1069; *Newbrig.*, p. 403); and instead of reclaiming the natives from their uncultivated manners, they were gradually assimilated to the ancient inhabitants, and degenerated from the customs of their own nation. It was also found requisite to bestow great military

and arbitrary powers on their leaders, who commanded a handful of men amidst such hostile multitudes; and law and equity, in a little time, became as much unknown in the English settlements, as they had ever been among the Irish tribes. Palatinates were erected in favour of the new adventurers; independent authority conferred; the natives, never fully subdued, still retained their animosity against the conquerors; their hatred was retaliated by like injuries, and from these causes, the Irish, during the course of four centuries, remained still savage and untractable; it was not till the latter end of Elizabeth's reign that the island was fully subdued, nor till that of her successor, that it gave hopes of becoming a useful conquest to the English nation.

Besides that the easy and peaceable submission of the Irish left Henry no further occupation in that island, he was recalled from it by another incident which was of the last importance to his interest and safety. The two legates, Albert and Theodin, to whom was committed the trial of his conduct in the murder of Archbishop Becket, were arrived in Normandy, and, being impatient of delay, sent him frequent letters, full of menaces, if he protracted any longer making his appearance before them (Girald. Cambr., p. 778). He hastened therefore to Normandy, and had a conference with them at Savigny, where their demands were so exorbitant, that he broke off the negotiation, threatened to return to Ireland, and bade them do their worst against him. They perceived that the season was now past for taking advantage of that tragical incident; which, had it been hotly pursued by interdicts and excommunications, was capable of throwing the whole kingdom into combustion. But the time which Henry had happily gained had contributed to appease the minds of men, the event could not now have the same influence as when it was recent; and as the clergy every day looked for an accommodation with the king, they had not opposed the pretensions of his partisans, who had been very industrious in representing to the people his entire innocence in the murder of the primate, and his ignorance of the designs formed by the assassins. The legates therefore found themselves obliged to lower their terms, and Henry was so fortunate as to conclude an accommodation with them. He declared upon oath, before the relics of the saints, that so far from commanding or desiring the death of the archbishop, he was extremely grieved when he received intelligence of it; but as the passion which he had expressed on account of that prelate's conduct had probably been the occasion of his murder, he stipulated the following conditions as an atonement for the offence; he promised that he should pardon all such as had been banished for adhering to Becket, and should restore them to their livings; that the see of Canterbury should be reinstated in all its ancient possessions; that he should pay the templars a sum of money sufficient for the subsistence of two hundred knights during a year in the Holy Land; that he should himself take the cross at the Christmas following, and if the Pope required it, serve three years against the infidels, either in Spain or Palestine, that he should not insist on the observance of such customs, derogatory to ecclesiastical privileges, as had been introduced in his own time; and that he should not obstruct appeals to the Pope

in ecclesiastical causes, but should content himself with exacting sufficient security from such clergymen as left his dominions to prosecute an appeal, that they should attempt nothing against the rights of his crown.<sup>1</sup> Upon signing these concessions, Henry received absolution from the legates, and was confirmed in the grant of Ireland made by Pope Adrian (Brompton, p. 1071; Liber. Nig. Scac., p. 47); and nothing proves more strongly the great abilities of this monarch, than his extricating himself on such easy terms from so difficult a situation. He had always insisted that the laws, established at Clarendon, contained not any new claims, but the ancient customs of the kingdom; and he was still at liberty, notwithstanding the articles of this agreement, to maintain his pretensions. Appeals to the Pope were indeed permitted by that treaty, but as the king was also permitted to exact reasonable securities from the parties, and might stretch his demands on this head as far as he pleased, he had it virtually in his power to prevent the Pope from reaping any advantage by this seeming concession. And on the whole, the Constitutions of Clarendon remained still the law of the realm; though the Pope and his legates seem so little to have conceived the king's power to lie under any legal limitations, that they were satisfied with his departing, by treaty, from one of the most momentous articles of these constitutions, without requiring any repeal by the states of the kingdom.

Henry, freed from this dangerous controversy with the ecclesiastics and with the see of Rome, seemed now to have reached the pinnacle of human grandeur and felicity, and to be equally happy in his domestic situation and in his political government. A numerous progeny of sons and daughters gave both lustre and authority to his crown, prevented the dangers of a disputed succession, and repressed all pretensions of the ambitious barons. The king's precaution also, in establishing the several branches of his family, seemed well calculated to prevent all jealousy among the brothers, and to perpetuate the greatness of his family. He had appointed Henry, his eldest son, to be his successor in the kingdom of England, the duchy of Normandy, and the counties of Anjou, Maine, and Touraine, territories which lay contiguous, and which, by that means, might easily lend to each other mutual assistance, both against intestine commotions and foreign invasions. Richard, his second son, was invested in the duchy of Guienne and county of Poitou; Geoffrey, his third son, inherited, in right of his wife, the duchy of Brittany; and the new conquest of Ireland was destined for the appanage of John, his fourth son. He had also negotiated, in favour of this last prince, a marriage with Adela, the only daughter of Humbert, Count of Savoy and Maurienne, and was to receive as her dowry considerable demesnes in Piedmont, Savoy, Bresse, and Dauphiny.<sup>2</sup> But this exaltation of his family excited the jealousy of all his neighbours, who made those very sons, whose fortunes he had so anxiously established, the means of embittering his future life, and disturbing his government.

Young Henry, who was rising to man's estate, began to display his

<sup>1</sup> M. Paris, Benedict. Abb., p. 34; Hoveden, p. 529; Diceto, p. 560; Chron. Gerv., p. 1422.

<sup>2</sup> Ypod. Neust., p. 448; Benedict. Abb., p. 38; Hoveden, p. 532; Diceto, p. 562; Brompton p. 1081; Rymer, vol. 1, p. 33.

character, and aspire to independence: brave, ambitious, liberal, munificent, affable, he discovered qualities which give great lustre to youth, and prognosticate a shining fortune; but unless tempered in mature age with discretion, are the forerunners of the greatest calamities (Chron. Gerv., p. 1463). It is said that at the time when this prince received the royal unction, his father, in order to give greater dignity to the ceremony, officiated at table as one of the retinue; and observed to his son, that never king was more royally served. 'It is nothing extraordinary,' said young Henry to one of his courtiers, 'if the son of a count should serve the son of a king.' This saying, which might pass only for an innocent pleasantry, or even for an oblique compliment to his father, was however regarded as a symptom of his aspiring temper; and his conduct soon after justified the conjecture.

Henry, agreeably to the promise which he had given both to the Pope and French king, permitted his son to be (A.D. 1173) crowned anew by the hands of the Archbishop of Rouen, and associated the Princess Margaret, spouse to young Henry, in the ceremony<sup>1</sup>. He afterwards allowed him to pay a visit to his father-in-law at Paris, who took the opportunity of instilling into the young prince those ambitious sentiments to which he was naturally but too much inclined (Girald. Camb., p. 782). Though it had been the constant practice of France, ever since the accession of the Capetian line, to crown the son during the lifetime of the father, without conferring on him any present participation of royalty; Lewis persuaded his son-in-law, that, by this ceremony, which in those ages was deemed so important, he had acquired a title to sovereignty, and that the king could not, without injustice, exclude him from immediate possession of the whole, or at least a part, of his dominions. In consequence of these extravagant ideas, Henry, on his return, desired the king to resign to him either the crown of England or the duchy of Normandy; discovered great discontent on the refusal; spake in the most undutiful terms of his father; and soon after, in concert with Lewis, made his escape to Paris, where he was protected and supported by that monarch.

While Henry was alarmed at this incident, and had the prospect of dangerous intrigues, or even of a war, which, whether successful or not, must be extremely calamitous and disagreeable to him, he received intelligence of new misfortunes, which must have affected him in the most sensible manner. Queen Eleanor, who had disgusted her first husband by her gallantries, was no less offensive to her second by her jealousy; and after this manner carried to extremity, in the different periods of her life, every circumstance of female weakness. She communicated her discontents against Henry to her two younger sons, Geoffrey and Richard, persuaded them that they were also entitled to present possession of the territories assigned to them; engaged them to fly secretly to the court of France, and was meditating, herself, an escape to the same court, and had even put on man's apparel for that purpose, when she was seized by orders from her husband, and thrown

<sup>1</sup> Hoveden, p. 529. Diceto, p. 560. Brompton, p. 1080. Chron. Gerv., p. 1421. Trivet, p. 58. It appears from Madox's Hist. of the Exchequer, that silk garments were then known in England, and that the coronation robes of the young king and queen cost eighty-seven pounds, ten shillings, and fourpence, money of that age.

into confinement. Thus Europe saw with astonishment the best and most indulgent of parents at war with his whole family; three boys, scarcely arrived at the age of puberty, require a great monarch, in the full vigour of his age and height of his reputation, to dethrone himself in their favour; and several princes not ashamed to support them in these unnatural and absurd pretensions.

Henry, reduced to this perilous and disagreeable situation, had recourse to the court of Rome; though sensible of the danger attending the interposition of ecclesiastical authority in temporal disputes, he applied to the Pope, as his superior lord, to excommunicate his enemies, and by these censures to reduce to obedience his undutiful children, whom he found such reluctance to punish by the sword of the magistrate.<sup>1</sup> Alexander, well pleased to exert his power in so justifiable a cause, issued the bulls required of him; but it was soon found that these spiritual weapons had not the same force as when employed in a spiritual controversy; and that the clergy were very negligent in supporting a sentence which was nowise calculated to promote the immediate interests of their order. The king, after taking in vain this humiliating step, was obliged to have recourse to arms, and to enlist such auxiliaries as are the usual resource of tyrants, and have seldom been employed by so wise and just a monarch.

The loose government which prevailed in all the States of Europe, the many private wars carried on among the neighbouring nobles, and the impossibility of enforcing any general execution of the laws, had encouraged a tribe of banditti to disturb everywhere the public peace, to infest the highways, to pillage the open country, and to brave all the efforts of the civil magistrate, and even the excommunications of the Church, which were fulminated against them (Neubrig, p. 413). Troops of them were sometimes enlisted in the service of one prince or baron, sometimes in that of another; they often acted in an independent manner, under leaders of their own; the peaceable and industrious inhabitants, reduced to poverty by their ravages, were frequently obliged, for subsistence, to betake themselves to a like disorderly course of life; and a continual intestine war, pernicious to industry, as well as to the execution of justice, was thus carried on in the bowels of every kingdom (Chron. Gerv., p. 1461). Those desperate ruffians received the name sometimes of Brabançons, sometimes of Routiers or Cotteaux; but for what reason is not agreed by historians, and they formed a kind of society or government among themselves, which set at defiance the rest of mankind. The greatest monarchs were not ashamed, on occasion, to have recourse to their assistance; and as their habits of war and depredation had given them experience, hardiness, and courage, they generally composed the most formidable part of those armies which decided the political quarrels of princes. Several of them were enlisted among the forces levied by Henry's enemies (Petr. Bles., epist. 47); but the great treasures amassed by that prince enabled him to engage more numerous troops of them in his service, and the situation of his affairs rendered even such banditti

<sup>1</sup> Epist. Petri Bles., epist. 136, in Biblio. Patr., tom. xxiv., p. 1048. His words are, 'Vestras jurisdictionis est regnum Angliæ, et quantum ad feudatarii juris obligationem, vobis duntaxat obnoxius teneor.' The same strange paper is in Rymer, vol. 1., p. 35, and Trivet, vol. 1., p. 62.

the only forces on whose fidelity he could repose any confidence. His licentious barons, disgusted with a vigilant government, were more desirous of being ruled by young princes, ignorant of public affairs, remiss in their conduct, and profuse in their grants (Duceto, p. 570); and as the king had insured to his sons the succession to every particular province of his dominions, the nobles dreaded no danger in adhering to those who, they knew, must some time become their sovereigns. Prompted by these motives, many of the Norman nobility had deserted to his son Henry; the Breton and Gascon barons seemed equally disposed to embrace the quarrel of Geoffrey and Richard. Disaffection had crept in among the English; and the Earls of Leicester and Chester, in particular, had openly declared against the king. Twenty thousand Brabançons, therefore, joined to some troops which he brought over from Ireland, and a few barons of approved fidelity, formed the sole force with which he intended to resist his enemies.

Lewis, in order to bind the confederates in a closer union, summoned (A.D. 1173) at Paris an assembly of the chief vassals of the crown, received their approbation of his measures, and engaged them by oath to adhere to the cause of young Henry. This prince, in return, bound himself by a like tie never to desert his French allies; and having made a new great seal, he lavishly distributed among them many considerable parts of those territories which he purposed to conquer from his father. The Counts of Flanders, Boulogne, Blois, and Éu, partly moved by the general jealousy arising from Henry's power and ambition, partly allured by the prospect of reaping advantage from the inconsiderate temper and the necessities of the young prince, declared openly in favour of the latter. William, King of Scotland, had also entered into this great confederacy; and a plan was concerted for a general invasion on different parts of the king's extensive and factious dominions.

Hostilities were first commenced by the Counts of Flanders and Boulogne on the frontiers of Normandy. Those princes laid siege to Aumale, which was delivered into their hands by the treachery of the count of that name; this nobleman surrendered himself prisoner, and on pretence of thereby paying his ransom, opened the gates of all his other fortresses. The two counts next besieged and made themselves masters of Drincourt; but the Count of Boulogne was here mortally wounded in the assault; and this incident put some stop to the progress of the Flemish arms.

In another quarter, the King of France being strongly assisted by his vassals, assembled a great army of 7000 knights and their followers on horseback, and a proportionable number of infantry; carrying young Henry along with him, he laid siege to Verneuil, which was vigorously defended by Hugh de Lacy and Hugh de Beauchamp, the governors. After he had lain a month before the place, the garrison, being straitened for provisions, were obliged to capitulate; and they engaged, if not relieved within three days, to surrender the town, and to retire into the citadel. On the last of these days, Henry appeared with his army upon the heights of Verneuil. Lewis, dreading an attack, sent the Archbishop of Sens and the Count of Blois to the English camp, and desired that next day should be appointed for a

conference, in order to establish a general peace, and terminate the difference between Henry and his sons. The king, who passionately desired this accommodation, and suspected no fraud, gave his consent; but Lewis that morning, obliging the garrison to surrender, according to the capitulation, set fire to the place, and began to retire with his army. Henry, provoked at this artifice, attacked the rear with vigour, put them to rout, did some execution, and took several prisoners. The French army, as their time of service was now expired, immediately dispersed themselves into their several provinces, and left Henry free to prosecute his advantages against his other enemies.

The nobles of Brittany, instigated by the Earl of Chester and Ralph de Fougeres, were all in arms, but their progress was checked by a body of Brabançons, which the king, after Lewis's retreat, had sent against them. The two armies came to an action near Dol, where the rebels were defeated, 1500 killed on the spot, and the leaders, the Earls of Chester and Fougeres, obliged to take shelter in the town of Dol. Henry hastened to form the siege of that place, and carried on the attack with such ardour, that he obliged the governor and garrison to surrender themselves prisoners. By these vigorous measures and happy successes, the insurrections were entirely quelled in Brittany; and the king, thus fortunate in all quarters, willingly agreed to a conference with Lewis, in hopes that his enemies, finding all their mighty efforts entirely frustrated, would terminate hostilities on some moderate and reasonable conditions.

The two monarchs met between Trie and Gisors, and Henry had here the mortification to see his three sons in the retinue of his mortal enemy. As Lewis had no other pretence for war than supporting the claims of the young princes, the king made them such offers as children might be ashamed to insist on, and could be extorted from him by nothing but his parental affection, or by the present necessity of his affairs (Hoveden, p. 539). He insisted only on retaining the sovereign authority in all his dominions; but offered young Henry half the revenues of England, with some places of surety in that kingdom, or, if he rather chose to reside in Normandy, half the revenues of that duchy, with all those of Anjou. He made a like offer to Richard in Guienne, he promised to resign Brittany to Geoffrey, and if these concessions were not deemed sufficient, he agreed to add to them whatever the Pope's legates, who were present, should require of him (Ibid., p. 536; Brompton, p. 1088). The Earl of Leicester was also present at the negotiation; and either from the impetuosity of his temper, or from a view of abruptly breaking off a conference which must cover the allies with confusion, he gave vent to the most violent reproaches against Henry, and he even put his hand to his sword, as if he meant to attempt some violence against him. This furious action threw the whole company into confusion, and put an end to the treaty (Hoveden, p. 536).

The chief hopes of Henry's enemies seemed now to depend on the state of affairs in England, where his authority was exposed to the most imminent danger. One article of Prince Henry's agreement with his foreign confederates was, that he should resign Kent, with Dover, and all its other fortresses, into the hands of the Earl of Flanders (Hoveden, p. 533, Brompton, p. 1084; Neuhr, p. 508). Yet



so little national or public spirit prevailed among the independent English nobility, so wholly bent were they on the aggrandisement each of himself and his own family, that, notwithstanding this pernicious concession, which must have produced the ruin of the kingdom, the greater part of them had conspired to make an insurrection, and to support the prince's pretensions. The king's principal resource lay in the Church and the bishops, with whom he was now in perfect agreement; whether that the decency of their character made them ashamed of supporting so unnatural a rebellion, or that they were entirely satisfied with Henry's atonement for the murder of Becket, and for his former invasion of ecclesiastical immunities. That prince, however, had resigned none of the essential rights of his crown in the accommodation; he maintained still the same prudent jealousy of the court of Rome, admitted no legate into England, without his swearing to attempt nothing against the royal prerogatives, and he had even obliged the monks of Canterbury, who pretended to a free election on the vacancy made by the death of Becket, to choose Roger, Prior of Dover, in the place of that turbulent prelate (Hoveden, p. 537).

The King of Scotland made an irruption into Northumberland and committed great devastations; but being opposed by Richard de Lucy, whom Henry had left guardian of the realm, he retreated into his own country, and agreed to a cessation of arms. This truce enabled the guardian to march southward with his army, in order to oppose an invasion which the Earl of Leicester at the head of a great body of Flemings had made upon Suffolk. The Flemings had been joined by Hugh Bigod, who made them masters of his castle of Framlingham; and marching into the heart of the kingdom, where they hoped to be supported by Leicester's vassals, they were met by Lucy, who, assisted by Humphrey Bohun, the constable, and the Earls of Arundel, Gloucester, and Cornwall, had advanced to Farnham with a less numerous, but braver army, to oppose them. The Flemings, who were mostly weavers and artificers (for manufactures were now beginning to be established in Flanders), were broken in an instant, 10,000 of them were put to the sword, the Earl of Leicester was taken prisoner, and the remains of the invaders were glad to compound for a safe retreat into their own country.

This great defeat did not dishearten the malcontents, who, being supported by the alliance of so many foreign princes, and encouraged by the king's own sons, determined to persevere in their enterprise. The Earl of Ferrars, Roger de Moubray, Archetil de Mallory, Richard de Moreville, Hamo de Mascie, together with many friends of the Earls of Leicester and Chester, rose (A.D. 1174) in arms; the fidelity of the Earls of Clare and Gloucester were suspected; and the guardian, though vigorously supported by Geoffrey, Bishop of Lincoln, the king's natural son by the fair Rosamond, found it difficult to defend himself on all quarters from so many open and concealed enemies. The more to augment the confusion, the King of Scotland, on the expiration of the truce, broke into the northern provinces with a great army (Heming, p. 501) of 80,000 men; which, though undisciplined and disorderly, and better fitted for committing devastation than for executing any military enterprise, was become dangerous from the

present factious and turbulent spirit of the kingdom. Henry, who had baffled all his enemies in France, and had put his frontiers in a posture of defence, now found England the seat of danger, and he determined by his presence to overawe the malcontents, or by his conduct and courage to subdue them. He landed at Southampton; and knowing the influence of superstition over the minds of the people, he hastened to Canterbury, in order to make atonement to the ashes of Thomas à Becket, and tender his submissions to a dead enemy. As soon (July 8, 1174) as he came within sight of the church of Canterbury, he dismounted, walked barefoot towards it, prostrated himself before the shrine of the saint, remained in fasting and prayer during a whole day, and watched all night the holy relics. Not content with this hypocritical devotion towards a man whose violence and ingratitude had so long disquieted his government, and had been the object of his most inveterate animosity, he submitted to a penance still more singular and humiliating. He assembled a chapter of the monks, disrobed himself before them, put a scourge of discipline into the hands of each, and presented his bare shoulders to the lashes which these ecclesiastics successively inflicted upon him. Next day he received absolution; and departing for London, got soon after the agreeable intelligence of a great victory which his generals had obtained over the Scots, and which, being gained, as was reported, on the very day of his absolution, was regarded as the earnest of his final reconciliation with Heaven and with Thomas à Becket.

William, King of Scots, though repulsed before the castle of Prudhow and other fortified places, had committed the most horrible depredations upon the northern provinces; but on the approach of Ralph de Glanville, the famous justiciary, seconded by Bernard de Balliol, Robert de Stuteville, Odonel de Umfreville, William de Vesci, and other northern barons, together with the gallant Bishop of Lincoln, he thought proper to retreat nearer his own country, and he fixed his camp at Alnwick. He had here weakened his army extremely by sending out numerous detachments in order to extend his ravages; and he lay absolutely safe, as he imagined, from any attack of the enemy. But Glanville, informed of his situation, made a hasty and fatiguing march to Newcastle, and allowing his soldiers only a small interval for refreshment, he immediately set out towards evening for Alnwick. He marched that night above thirty miles; arrived in the morning, under cover of a mist, near the Scottish camp, and regardless of the great numbers of the enemy, he (July 13) began the attack with his small but determined body of cavalry. William was living in such supine security, that he took the English at first for a body of his own ravagers, who were returning to the camp; but the sight of their banners convincing him of his mistake, he entered on the action with no greater body than a hundred horse, in confidence that the numerous army which surrounded him would soon hasten to his relief. He was dismounted on the first shock, and taken prisoner; while his troops, hearing of this disaster, fled on all sides with the utmost precipitation. The dispersed ravagers made the best of their way to their own country; and discord arising among them, they proceeded even to mutual hostilities, and suffered more from each other's sword than from that of the enemy.

This great and important victory proved at last decisive in favour of Henry, and entirely broke the spirit of the English rebels. The Bishop of Durham, who was preparing to revolt, made his submissions; Hugh Bigod, though he had received a strong reinforcement of Flemings, was obliged to surrender all his castles, and throw himself on the king's mercy; no better resource was left to the Earl of Ferrars and Roger de Moubray; the inferior rebels, imitating the example, all England was restored to tranquillity in a few weeks; and as the king appeared to lie under the immediate protection of Heaven, it was deemed impious any longer to resist him. The clergy exalted anew the merits and powerful intercession of Becket; and Henry, instead of opposing the superstition, plumed himself on the new friendship of the saint, and propagated an opinion which was so favourable to his interests (Hoveden, p. 539).

Prince Henry, who was ready to embark at Gravelines with the Earl of Flanders and a great army, hearing that his partisans in England were suppressed, abandoned all thoughts of the enterprise, and joined the camp of Lewis, who, during the absence of the king, had made an irruption into Normandy, and had laid siege to Rouen (Brompton, p. 1096). The place was defended with great vigour by the inhabitants,<sup>1</sup> and Lewis, despairing of success by open force, tried to gain the town by a stratagem, which, in that superstitious age, was deemed not very honourable. He proclaimed in his own camp a cessation of arms, on pretence of celebrating the festival of St. Laurence; and when the citizens, supposing themselves in safety, were so imprudent as to remit their guard, he purposed to take advantage of their security. Happily, some priests had, from mere curiosity, mounted a steeple where the alarm-bell hung, and observing the French camp in motion, they immediately rang the bell, and gave warning to the inhabitants, who ran to their several stations. The French, who, on hearing the alarm, hurried to the assault, had already mounted the walls in several places; but being repulsed by the enraged citizens, were obliged to retreat with considerable loss.<sup>2</sup> Next day, Henry, who had hastened to the defence of his Norman dominions, passed over the bridge in triumph; and entered Rouen in sight of the French army. The city was now in absolute safety; and the king, in order to brave the French monarch, commanded the gates, which had been walled up, to be opened, and he prepared to push his advantages against the enemy. Lewis saved himself from this perilous situation by a new piece of deceit not so justifiable. The French monarch proposed a conference for adjusting the terms of a general peace, which he knew would be greedily embraced by Henry, and while the King of England trusted to the execution of his promise, he made a retreat with his army into France.

There was, however, a necessity on both sides for an accommodation. Henry could no longer bear to see his three sons in the hands of his enemy; and Lewis dreaded lest this great monarch, victorious in all quarters, crowned with glory, and absolute master of his dominions, might take revenge for the many dangers and disquietudes which the arms, and still more, the intrigues of France, had, in his disputes, both

<sup>1</sup> Diceto, p. 578.<sup>2</sup> Brompton, p. 1096, Neubrig, p. 411; Heming, p. 503.

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with Becket and his sons, found means to raise him. After making a cessation of arms, a conference was agreed on near, Tours, where Henry granted his sons much less advantageous terms than he had formerly offered; and he received their submissions. The most material of his concessions were some pensions which he stipulated to pay them, and some castles which he granted them for the place of their residence, together with an indemnity for all their adherents, who were restored to their estates and honours<sup>1</sup>

Of all those who had embraced the cause of the young prince, William, King of Scotland, was the only considerable loser by that invidious and unjust enterprise. Henry delivered from confinement, without exacting any ransom, about nine hundred knights whom he had taken prisoners; but it cost William the ancient independency of his crown as the price of his liberty. He stipulated to do homage to Henry for Scotland and all his other possessions; he engaged that all the barons and nobility of his kingdom should also do homage; that the bishops should take an oath of fealty; that both should swear to adhere to the King of England against their native prince, if the latter should break his engagements, and that the fortresses of Edinburgh, Stirling, Berwick, Roxborough, and Jedborough should be delivered into Henry's hands, till the performance of articles.<sup>2</sup> This severe and humiliating treaty was executed in its full rigour. William, being released (10th August, 1175), brought up all his barons, prelates, and abbots; and they did homage to Henry in the cathedral of York, and acknowledged him and his successors for their superior lord (Bened Abb, p. 113). The English monarch stretched still further the rigour of the conditions which he exacted. He engaged the king and states of Scotland to make a perpetual cession of the fortresses of Berwick and Roxborough, and to allow the castle of Edinburgh to remain in his hands for a limited time. This was the first great ascendant which England obtained over Scotland; and indeed the first important transaction which had passed between the kingdoms. Few princes have been so fortunate as to gain so considerable advantages over their weaker neighbours with less violence and injustice than was practised by Henry against the King of Scots, whom he had taken prisoner in battle, and who had wantonly engaged in a war in which all the neighbours of that prince, and even his own family, were, without provocation, combined against him.<sup>3</sup>

Henry having thus, contrary to expectation, extricated himself with honour from a situation in which his throne was exposed to great danger, was employed for several years in the administration of justice, in the execution of the laws, and in guarding against those inconveniences which either the past convulsions of his state, or the political institutions of that age unavoidably occasioned. The provisions which he made, show such largeness of thought as qualified him for being a

<sup>1</sup> Rymer, vol i, p. 35, Bened Abb, p. 88, Hoveden, p. 540, Diceto, p. 583; Brompton, p. 1098, Heming, p. 505, Chron Dunst, p. 36

<sup>2</sup> M Paris, p. 91, Chron Dunst, p. 36; Hoveden, p. 545, M. West, p. 251; Diceto, p. 584, Brompton, p. 1103 Rymer, vol i, p. 30, Liber Niger Scaccarii, p. 36

<sup>3</sup> Some Scotch historians pretend that William paid besides, 100,000*l* of ransom, which is quite incredible. The ransom of Richard I, who, besides England, possessed so many rich territories in France, was only 150,000 marks, and yet was levied with great difficulty. Indeed, two thirds of it only could be paid before his deliverance

legislator, and they were commonly calculated as well for the future as the present happiness of his kingdom.

He enacted (A.D. 1176) severe penalties against robbery, murder, false coining, arson; and ordained that these crimes should be punished by the amputation of the right hand and right foot (Bened. Abb., p. 132, Hoveden, p. 549). The pecuniary commutation for crimes, which has a false appearance of lenity, had been gradually disused, and seems to have been entirely abolished by the rigour of these statutes. The superstitious trial by water ordeal, though condemned by the Church (Selden, *Spicileg ad Eadmer*, p. 204), still subsisted; but Henry ordained, that any man accused of murder, or any heinous felony, by the oath of the legal knights of the county, should, even though acquitted by the ordeal, be obliged to abjure the realm (Bened. Abbas., p. 132).

All advances towards reason and good sense are slow and gradual. Henry, though sensible of the great absurdity attending the trial by duel or battle, did not venture to abolish it: he only admitted either of the parties to challenge a trial by an assize or jury or twelve freeholders (*Glanv.*, lib. ii., cap. 7). This latter method of trial seems to have been very ancient in England, and was fixed by the laws of King Alfred; but the barbarous and violent genius of the age had of late given more credit to the trial by battle, which had become the general method of deciding all important controversies. It was never abolished by law in England; and there is an instance of it so late as the reign of Elizabeth. But the institution revived by this king, being found more reasonable and more suitable to a civilized people, gradually prevailed over it.

The partition of England into four divisions, and the appointment of itinerant justices to go the circuit in each division, and to decide the causes in the counties, was another important ordinance of this prince, which had a direct tendency to curb the oppressive barons, and to protect the inferior gentry and common people in their property (Hoveden, p. 590). Those justices were either prelates or considerable noblemen, who, besides carrying the authority of the king's commission, were able, by the dignity of their own character, to give weight and credit to the laws.

That there might be fewer obstacles to the execution of justice, the king was vigilant in demolishing all the new erected castles of the nobility, in England as well as in his foreign dominions, and he permitted no fortress to remain in the custody of those whom he found reason to suspect (Benedict. Abbas., p. 202; Diceto, p. 585).

But lest the kingdom should be weakened by this demolition of the fortresses, the king fixed an assize of arms, by which all his subjects were obliged to put themselves in a situation for defending themselves and the realm. Every man possessed of a knight's fee was ordained to have for each fee a coat of mail, a helmet, a shield, and a lance; every free layman possessed of goods to the value of sixteen marks, was to be armed in like manner, every one that possessed ten marks was obliged to have an iron gorget, a cap of iron, and a lance; all burgesses were to have a cap of iron, a lance, and a wambais; that is, a coat quilted with wool, tow, or such-like materials (Bened. Abb., p. 305;

Annal. Waverl., p. 161). It appears that archery, for which the English were afterwards so renowned, had not become very common among them. The spear was the chief weapon employed in battle.

The clergy and the laity were, during that age, in a strange situation with regard to each other, and such as may seem totally incompatible with a civilised and indeed with any species of government. If a clergyman were guilty of murder, he could be punished by degradation only; if he were murdered, the murderer was exposed to nothing but excommunication and ecclesiastical censures, and the crime was atoned for by penances and submission.<sup>1</sup> Hence the assassins of Thomas à Becket himself, though guilty of the most atrocious wickedness and the most repugnant to the sentiments of that age, lived securely in their own houses, without being called to account by Henry himself, who was so much concerned, both in honour and interest, to punish that crime, and who professed, or affected on all occasions, the most extreme abhorrence of it. It was not till they found their presence shunned by every one as excommunicated persons, that they were induced to take a journey to Rome to throw themselves at the feet of the pontiff, and to submit to the penances imposed upon them; after which they continued to possess, without molestation, their honours and fortunes, and seem even to have recovered the countenance and good opinion of the public. But as the king, by the constitutions of Clarendon, which he endeavoured still to maintain (Chron Gervase, p. 1433), had subjected the clergy to a trial by the civil magistrate, it seemed but just to give them the protection of that power to which they owed obedience, it was enacted that the murderers of clergymen should be tried before the justiciary, in the presence of the bishop or his official; and besides the usual punishment for murder, should be subjected to the forfeiture of their estates, and a confiscation of their goods and chattels (Diceto, p. 592; Chron Gervase, 1433).

The king passed an equitable law, that the goods of a vassal should not be seized for the debt of his lord, unless the vassal be surety for the debt; and that the rents of vassals should be paid to the creditors of the lord, not to the lord himself. It is remarkable that this law was enacted by the king in a council which he held at Verneuil, and which consisted of some prelates and barons of England, as well as some of Normandy, Pictou, Anjou, Maine, Touraine, and Brittany; and the statute took place in all these last mentioned territories,<sup>2</sup> though totally unconnected with each other,<sup>3</sup> a certain proof how irregular the ancient feudal government was, and how near the sovereigns in some instances approached to despotism, though in others they seemed scarcely to possess any authority. If a prince much dreaded and revered, like Henry, obtained but the appearance of general consent to an ordinance which was equitable and just, it became immediately an established law, and all his subjects acquiesced in it. If the prince

<sup>1</sup> Petri Blessen, epist., 73, apud Bibl. Patr., tom. xxiv, p. 992.

<sup>2</sup> Bened. Abb., p. 248. It was usual for the kings of England, after the conquest of Ireland, to summon barons and members of that country to the English parliament. Molneux's Case of Ireland, p. 64, 65, 66.

<sup>3</sup> Spelman even doubts whether the law were not also extended to England. If it were not, it could only be because Henry did not choose it, for his authority was greater in that kingdom than in his transmarine dominions.

was hated or despised, if the nobles who supported him had small influence, if the humours of the times disposed the people to question the justice of his ordinance, the fullest and most authentic assembly had no authority. Thus all was confusion and disorder; no regular idea of a constitution: force and violence decided everything.

The success which had attended Henry in his wars did not much encourage his neighbours to form any attempt against him; and his transactions with them, during several years, contain little memorable. Scotland remained in that state of feudal subjection to which he had reduced it, and gave him no further inquietude. He sent over his fourth, son John, into Ireland, with a view of making a more complete conquest of the island; but the petulance and incapacity of this prince, by which he enraged the Irish chieftains, obliged the king soon after to recall him (Bened. Abb, p 437, etc.). The King of France had fallen into an abject superstition; and was induced by a devotion more sincere than that of Henry, to make a pilgrimage to the tomb of Becket, in order to obtain his intercession for the cure of Philip, his eldest son. He probably thought himself well entitled to the favour of that saint, on account of their ancient intimacy; and hoped that Becket, whom he had protected while on earth, would not now, when he was so highly exalted in heaven, forget his old friend and benefactor. The monks, sensible that their saint's honour was concerned in the case, failed not to publish that Lewis's prayers were answered, and that the young prince was restored to health by Becket's intercession. That king himself was soon after struck with an apoplexy, which deprived him of his understanding; Philip, though a youth of fifteen, took on him the administration till his father's death, which happened soon after, opened his way to the throne; and he proved the ablest and greatest monarch that had governed that kingdom since the age of Charlemagne. The superior years, however, and experience of Henry, while they moderated his ambition, gave him such an ascendant over this prince, that no dangerous rivalry for a long time arose between them. The English monarch, instead of taking advantage of his own situation, rather employed his good offices in composing the quarrels which arose in the royal family of France; and he was successful in mediating a reconciliation between Philip and his mother and uncles. These services were but ill requited by Philip, who, when he came to man's estate, fomented all the domestic discords in the royal family of England, and encouraged Henry's sons in their ungrateful and undutiful behaviour towards him.

Prince Henry, equally impatient of obtaining power, and incapable of using it, renewed to the king the demand of his resigning Normandy, and on meeting with a refusal, he fled with his consort to the court of France; but not finding Philip at that time disposed to enter into war for his sake, he accepted of his father's offers of reconciliation, and made him submissions. It was a cruel circumstance in the king's fortune, that he could hope for no tranquillity from the criminal enterprises of his sons but by their mutual discord and animosities, which disturbed his family and threw his state into convulsions. Richard, whom he had made master of Guienne, and who had displayed his valour and military genius by suppressing the revolts of his mutinous

barons, refused to obey Henry's orders in doing homage to his elder brother for that duchy, and he defended himself against young Henry and Geoffrey, who, uniting their arms, carried war into his territories (Ypod. Neust., p. 451; Bened. Abb., p. 383; Diceto, p. 617.) The king, with some difficulty, composed this difference; but immediately found his eldest son engaged in conspiracies and ready to take arms against himself. While the young prince was conducting these criminal intrigues, he was seized with a fever at Martel, a castle near Turenne, to which he had retired in discontent; and seeing the approaches of death, he was at last struck with remorse for his undutiful behaviour towards his father. He sent a message to the king, who was not far distant, expressed his contrition for his faults, and entreated the favour of a visit, that he might at least die with the satisfaction of having obtained his forgiveness. Henry, who had so often experienced the prince's ingratitude and violence, apprehended that his sickness was entirely feigned, and he durst not entrust himself into his son's hands; but when he soon after received intelligence of young Henry's death, and the proofs of his sincere repentance, this good prince was affected with the deepest sorrow, he thrice fainted away, he accused his own hard-heartedness in refusing the dying request of his son, and he lamented that he had deprived that prince of the last opportunity of making atonement for his offences, and of pouring out his soul in the bosom of his reconciled father (Bened. Abb., p. 393; Hoveden, p. 621, Trivet, vol. 1, p. 84). This prince died in the twenty-eighth year of his age.

The behaviour of his surviving children did not tend to give the king any consolation for the loss. As prince Henry had left no posterity, Richard was become heir to all his dominions, and the king intended that John, his third surviving son and favourite, should inherit Guenne as his appanage; but Richard refused his consent, fled into that duchy, and even made preparations for carrying on war, as well against his father as against his brother Geoffrey, who was now put in possession of Brittany. Henry sent for Eleanor, his queen, the heiress of Guenne, and required Richard to deliver up to her the dominion of these territories; which that prince, either dreading an insurrection of the Gascons in her favour, or retaining some sense of duty towards her, readily performed, and he peaceably returned to his father's court. No sooner was this quarrel accommodated, than Geoffrey, the most vicious perhaps of all Henry's unhappy family, broke out into violence, demanded Anjou to be annexed to his dominions of Brittany, and on meeting with a refusal, fled to the court of France, and levied forces against his father (Neubrig., p. 422). Henry was freed from this danger by his son's death, who was killed (A.D. 1185) in a tournament at Paris (Bened. Abb., p. 451; Chron. Geivase, p. 1480). The widow of Geoffrey, soon after his decease, was delivered of a son, who received the name of Arthur, and was invested in the duchy of Brittany, under the guardianship of his grandfather who, as Duke of Normandy, was also superior lord of that territory. Philip, as lord paramount, disputed some time his title to this wardship, but was obliged to yield to the inclinations of the Bretons who preferred the government of Henry.



But the rivalry between these potent princes and all their inferior interests, seemed now to have given place to the general passion for the relief of the Holy Land and the expulsion of the Saracens. Those infidels, though obliged to yield to the immense inundation of Christians in the first crusade, had recovered courage after the torrent was past; and attacking on all quarters the settlements of the Europeans, had reduced these adventurers to great difficulties, and obliged them to apply again for succours from the West. A second crusade, under the Emperor Conrade, and Lewis VII., King of France, in which there perished above 200,000 men, brought them but a temporary relief; and those princes, after losing such immense armies, and seeing the flower of their nobility fall by their side, returned with little honour into Europe. But these repeated misfortunes which drained the Western world of its people and treasure, were not yet sufficient to cure men of their passion for those spiritual adventures, and a new incident rekindled with fresh fury the zeal of the ecclesiastics and military adventurers among the Latin Christians. Saladin, a prince of great generosity, bravery, and conduct, having fixed himself on the throne of Egypt, began to extend his conquests over the East, and finding the settlement of the Christians in Palestine an invincible obstacle to the progress of his arms, he bent the whole force of his policy and valour to subdue that small and barren, but important territory. Taking advantage of dissensions which prevailed among the champions of the Cross, and having secretly gained the Count of Tripoli, who commanded their armies, he invaded the frontiers with a mighty power, and aided by the treachery of that count, gained (A.D. 1187) over them at Tiberiade a complete victory, which utterly annihilated the force of the already languishing kingdom of Jerusalem. The holy city itself fell into his hands after a feeble resistance; the kingdom of Antioch was almost entirely subdued; and except some maritime towns, nothing considerable remained of those boasted conquests, which, near a century before, it had cost the efforts of all Europe to acquire (Matt. Paris, p. 100).

The Western Christians were astonished on receiving this dismal intelligence. Pope Urban III, it is pretended, died of grief, and his successor, Gregory VIII, employed the whole time of his short pontificate in rousing to arms all the Christians who acknowledged his authority. The general cry was that they were unworthy of enjoying any inheritance in heaven who did not vindicate from the dominion of the infidels the inheritance of God on earth, and deliver from slavery that country which had been consecrated by the footsteps of their Redeemer. William, Archbishop of Tyre, having procured a conference (21 Jan., 1188) between Henry and Philip, near Gisors, enforced all these topics; gave a pathetic description of the miserable state of the Eastern Christians; and employed every argument to excite the ruling passions of the age, superstition and jealousy of military honour (Bened. Abb., p. 531). The two monarchs immediately took the cross; many of their most considerable vassals imitated the example (Neubrig., p. 435; Heming, p. 512); and as the Emperor Frederic I. entered into the same confederacy, some well-grounded hopes of success were entertained; and men flattered themselves that an enterprise which had

sailed under the conduct of many independent leaders, or of imprudent princes, might at last, by the efforts of such potent and able monarchs, be brought to a happy issue.

The Kings of France and England imposed a tax, amounting to the tenth of all movable goods, on such as remained at home (Bened. Abb., p. 498); but as they exempted from this burden most of the regular clergy, the secular aspired to the same immunity; pretended that their duty obliged them to assist the crusade with their prayers alone; and it was with some difficulty that they were constrained to desist from an opposition which in them, who had been the chief promoters of those pious enterprises, appeared with the worst grace imaginable (Petri Blesensis, epist. 112). This backwardness of the clergy is perhaps a symptom that the enthusiastic ardour which had at first seized the people for crusades, was now by time and ill success considerably abated, and that the frenzy was chiefly supported by the military genius and love of glory in the monarchs.

But before this great machine could be put in motion, there were still many obstacles to surmount. Philip, jealous of Henry's power, entered into a private confederacy with young Richard, and working on his ambitious and impatient temper, persuaded him, instead of supporting and aggrandizing that monarchy which he was one day to inherit, to seek present power and independence by disturbing and dismembering it. In order to give a pretence for hostilities between the two kings, Richard (A.D. 1189) broke into the territories of Raymond, Count of Toulouse, who immediately carried complaints of this violence before the King of France as his superior lord. Philip remonstrated with Henry; but received for answer that Richard had confessed to the Archbishop of Dublin that his enterprise against Raymond had been undertaken by the approbation of Philip himself, and was conducted by his authority. The King of France, who might have been covered with shame and confusion by this detection, still prosecuted his design, and invaded the provinces of Berry and Auvergne, under colour of revenging the quarrel of the Count of Toulouse (Bened. Abb., p. 508). Henry retaliated by making inroads upon the frontiers of France, and burning Dreux. As this war, which destroyed all hopes of success in the projected crusade, gave great scandal, the two kings held a conference at the accustomed place between Gisors and Trie, in order to find means of accommodating their differences. They separated on worse terms than before; and Philip, to show his disgust, ordered a great elm under which the conferences had been usually held, to be cut down (Ibid., p. 517, 532); as if he had renounced all desire of accommodation, and was determined to carry the war to extremities against the King of England. But his own vassals refused to serve under him in so invidious a cause (Ibid., p. 519), and he was obliged to come anew to a conference with Henry, and to offer terms of peace. These terms were such as entirely opened the eyes of the King of England, and fully convinced him of the perfidy of his son, and his secret alliance with Philip, of which he had before only entertained some suspicion. The King of France required that Richard should be crowned King of England in the lifetime of his father, should be invested in all his transmarine dominions, and should immediately

espouse Alice, Philip's sister, to whom he had formerly been affianced, and who had formerly been conducted into England (Bened. Abb., p. 521; Hoveden, p. 652). Henry had experienced such fatal effects, both from the crowning of his eldest son, and from that prince's alliance with the royal family of France, that he rejected these terms; and Richard, in consequence of his secret agreement with Philip, immediately revolted from him (Brompton, p. 1149; Neubrig, p. 437), did homage to the King of France for all the dominions which Henry held of that crown, and received the investitures as if he had already been the lawful possessor. Several historians assert that Henry himself had become enamoured of young Alice, and mentions this as an additional reason for his refusing these conditions, but he had so many other just and equitable motives for his conduct, that it is superfluous to assign a cause which the great prudence and advanced age of that monarch render somewhat improbable.

Cardinal Albano, the Pope's legate, displeased with these increasing obstacles to the crusade, excommunicated Richard as the chief spring of discord, but the sentence of excommunication which, when it was properly prepared and was zealously supported by the clergy, had often great influence in that age, proved entirely ineffectual in the present case. The chief barons of Poitou, Guienne, Normandy, and Anjou, being attached to the young prince, and finding that he had now received the investiture from their superior lord, declared for him, and made inroads into the territories of such as still adhered to the king. Henry, disquieted by the daily revolts of his mutinous subjects, and dreading still worse effects from their turbulent disposition, had again recourse to papal authority, and engaged the Cardinal Anagni, who had succeeded Albano in the legateship, to threaten Philip with laying an interdict on all his dominions. But Philip, who was a prince of great vigour and capacity, despised the menace, and told Anagni that it belonged not to the Pope to interpose in the temporal disputes of princes, much less in those between him and his rebellious vassal. He even proceeded so far as to reproach him with partiality, and with receiving bribes from the King of England,<sup>1</sup> while Richard, still more outrageous, offered to draw his sword against the legate, and was hindered by the interposition alone of the company, from committing violence upon him (M. Paris, p. 104).

The King of England was now obliged to defend his dominions by arms, and to engage in a war with France and with his eldest son, a prince of great valour, on such disadvantageous terms. Ferté-Bernard fell first into the hands of the enemy, Mans was next taken by assault, and Henry who had thrown himself into that place, escaped with some difficulty;<sup>2</sup> Amboise, Chaumont, and Chateau de Loire, opened their gates on the appearance of Philip and Richard; Tours was menaced; and the king, who had retired to Saumur, and had daily instances of the cowardice or infidelity of his governors, expected the most dismal issue to all his enterprises. While he was in this state of despondency, the Duke of Burgundy, the Earl of Flanders, and the Archbishop of Rheims interposed with their good offices; and the intelligence which

<sup>1</sup> M. Paris, p. 104. Bened. Abb., p. 542, Hoveden, p. 652.

<sup>2</sup> M. Paris, p. 105, Bened. Abb., p. 543, Hoveden, p. 653.

he received of the taking of Tours, and which made him fully sensible of the desperate situation of his affairs, so subdued his spirit that he submitted to all the rigorous terms which were imposed upon him. He agreed that Richard should marry the princess Alice; that that prince should receive the homage and oath of fealty of all his subjects both in England and his transmarine dominions; that he himself should pay twenty thousand marks to the King of France as a compensation for the charges of the war; that his own barons should engage to make him observe this treaty by force, and in case of his violating it, should promise to join Philip and Richard against him; and that all his vassals who had entered into confederacy with Richard should receive an indemnity for the offence.<sup>1</sup>

But the mortification which Henry, who had been accustomed to give the law in most treaties, received from these disadvantageous terms, was the least that he met with on this occasion. When he demanded a list of those barons to whom he was bound to grant a pardon for their connections with Richard, he was astonished to find at the head of them the name of his second son, John (Hoveden, p. 654), who had always been his favourite, whose interests he had ever anxiously at heart, and who had even, on account of his ascendant over him, often excited the jealousy of Richard (Bened Abb, p. 541). The unhappy father, already overloaded with cares and sorrows, finding this last disappointment in his domestic tenderness, broke out into expressions of the utmost despair, cursed the day in which he received his miserable being, and bestowed on his ungrateful and undutiful children a malediction which he could never be prevailed on to retract (Hoveden, p. 654). The more his heart was disposed to friendship and affection, the more he resented the barbarous return which his four sons had successively made to his parental care; and this finishing blow, by depriving him of every comfort in life, quite broke his spirit, and threw him into a lingering fever of which he expired (6 July, 1189), at the castle of Chinon, near Saumur. His natural son, Geoffrey, who alone had behaved dutifully towards him, attended his corpse to the nunnery of Fontevrault; where it lay in state in the abbey church. Next day, Richard, who came to visit the dead body of his father, and who, notwithstanding his criminal conduct, was not wholly destitute of generosity, was struck with horror and remorse at the sight, and as the attendants observed that at that very instant blood gushed from the mouth and nostrils of the corpse (Bened Abb, p. 547; Brompton, p. 1151), he exclaimed, agreeably to a vulgar superstition, that he was his father's murderer, and he expressed a deep sense, though too late, of that undutiful behaviour which had brought his parent to an untimely grave (M. Paris, p. 107).

Thus died, in the fifty-eighth year of his age, and thirty-fifth of his reign, the greatest prince of his time for wisdom, virtue, and abilities, and the most powerful in extent of dominion of all those that had ever filled the throne of England. His character, in private as well as in public life, is almost without a blemish, and he seems to have possessed every accomplishment, both of body and mind, which makes a man either estimable or amiable. He was of a middle stature, strong and

M Paris, p. 106, Bened Abb, p. 545, Hoveden, p. 653

well proportioned; his countenance was lively and engaging; his conversation affable and entertaining; his elocution easy, persuasive, and ever at command. He loved peace, but possessed both bravery and conduct in war; was provident without timidity; severe in the execution of justice without rigour; and temperate without austerity. He preserved health, and kept himself from corpulency, to which he was somewhat inclined, by an abstemious diet, and by frequent exercise, particularly hunting. When he could enjoy leisure, he recreated himself either in learned conversation or in reading, and he cultivated his natural talents by study, above any prince of his time. His affections, as well as his enmities, were warm and durable, and his long experience of the ingratitude and infidelity of men never destroyed the natural sensibility of his temper, which disposed him to friendship and society. His character has been transmitted to us by several writers, who were his contemporaries,<sup>1</sup> and it extremely resembles, in its most remarkable features, that of his maternal grandfather, Henry I.; excepting only, that ambition, which was a ruling passion in both, found not in the first Henry such unexceptionable means of exerting itself, and pushed that prince into measures which were both criminal in themselves and were the cause of further crimes, from which his grandson's conduct was happily exempted.

This prince, like most of his predecessors of the Norman line, except Stephen, passed more of his time on the continent than in this island; he was surrounded with the English gentry and nobility, when abroad; the French gentry and nobility attended him when he resided in England; both nations acted in the government as if they were the same people; and, on many occasions, the legislatures seem not to have been distinguished. As the king and all the English barons were of French extraction, the manners of that people acquired the ascendant, and were regarded as the models of imitation. All foreign improvements, therefore, such as they were, in literature and politeness, in laws and arts, seem now to have been, in a good measure, transplanted into England, and that kingdom was become little inferior, in all the fashionable accomplishments, to any of its neighbours on the continent. The more homely but more sensible manners and principles of the Saxons were exchanged for the affectations of chivalry and the subtleties of school philosophy; the feudal ideas of civil government, the Romish sentiments in religion, had taken entire possession of the people by the former, the sense of submission towards princes was somewhat diminished in the barons; by the latter, the devoted attachment to papal authority was much augmented among the clergy. The Norman and other foreign families established in England had now struck deep root; and being entirely incorporated with the people, whom at first they oppressed and despised, they no longer thought that they needed the protection of the crown for the enjoyment of their possessions, or considered their tenure as precarious. They aspired to the same liberty and independence which they saw enjoyed by their brethren on the continent, and desired to restrain those exorbitant prerogatives and arbitrary practices which the necessities of war and

<sup>1</sup> Petri Bles., epist. 46, 47, in Bibliotheca. Patrum, vol. xxiv, p. 985, 986, etc. Girald. Camb., p. 783, etc.

the violence of conquest had at first obliged them to indulge in their monarch. That memory also of a more equal government under the Saxon princes which remained with the English, diffused still further the spirit of liberty, and made the barons both desirous of more independence to themselves, and willing to indulge it to the people. And it was not long ere this secret revolution in the sentiments of men produced, first violent convulsions in the state, then an evident alteration in the maxims of government.

The history of all the preceding kings of England since the conquest, gives evident proofs of the disorders attending the feudal institutions; the licentiousness of the barons, their spirit of rebellion against the prince and laws, and of animosity against each other: the conduct of the barons in the transmarine dominions of those monarchs, afforded perhaps still more flagrant instances of these convulsions; and the history of France, during several ages, consists almost entirely of narrations of this nature. The cities, during the continuance of this violent government, could neither be very numerous nor populous; and there occur instances which seem to evince that though these are always the first seat of law and liberty, their police was in general loose and irregular, and exposed to the same disorders with those by which the country was generally infested. It was a custom in London for great numbers, to the amount of a hundred or more, the sons and relations of considerable citizens, to form themselves into a licentious confederacy, to break into rich houses and plunder them, to rob and murder the passengers, and to commit with impunity all sorts of disorder. By these crimes it had become so dangerous to walk the streets by night, that the citizens durst no more venture abroad after sunset, than if they had been exposed to the incursions of a public enemy. The brother of the Earl of Ferrais had been murdered by some of those nocturnal rioters; and the death of so eminent a person, which was much more regarded than that of many thousands of an inferior station, so provoked the king that he swore vengeance against the criminals, and became thenceforth more rigorous in the execution of the laws (Bened Abb., p. 196).

There is another instance given by historians, which proves to what a height such riots had proceeded, and how open these criminals were in committing their robberies. A band of them had attacked the house of a rich citizen, with an intention of plundering it; had broken through a stone wall with hammers and wedges, and had already entered the house sword in hand, when the citizen, armed cap-a-pie, and supported by his faithful servants, appeared in the passage to oppose them: he cut off the right hand of the first robber that entered; and made such stout resistance, that his neighbours had leisure to assemble and come to his relief. The man who lost his hand was taken, and was tempted by the promise of pardon to reveal his confederates; among whom was one John Senex, esteemed among the richest and best-born citizens in London. He was convicted by the ordeal; and though he offered five hundred marks for his life, the king refused the money, and ordered him to be hanged (Bened Abb., p. 197, 198). It appears from a statute of Edward I. that these disorders were not remedied even in that reign. It was then made penal to go out at night after the hour of the curfew.

to carry a weapon, or to walk without a light or lanthorn (*Observ. on the ancient Statutes*, p. 216). It is said in the preamble to this law, that both by night and by day there were continual fiays in the streets of London.

Henry's care in administering justice had gained him so great a reputation, that even foreign and distant princes made him arbiter, and submitted their differences to his judgment. Sanchez, King of Navarre, having some controversies with Alfonso, King of Castile, was contented, though Alfonso had married the daughter of Henry, to choose this prince for a referee; and they agreed, each of them to consign three castles into neutral hands, as a pledge of their not departing from his award. Henry made the cause be examined before his great council, and gave a sentence which was submitted to by both parties. These two Spanish kings sent each a stout champion to the court of England, in order to defend his cause by arms, in case the way of duel had been chosen by Henry<sup>1</sup>.

Henry so far abolished the barbarous and absurd practice of confiscating ships which had been wrecked on the coast, that he ordained, if one man or animal were alive in the ship, that the vessel and goods should be restored to the owners (*Rymer*, vol. 1, p. 36).

The reign of Henry was remarkable also for an innovation, which was also carried further by his successors, and was attended with the most important consequences. This prince was disgusted with the species of military force which was established by the feudal institutions, and which, though it was extremely burdensome to the subject, yet rendered very little service to the sovereign. The barons, or military tenants, came late into the field, they were obliged to serve only forty days, they were unskilful and disorderly in all their operations; and they were apt to carry into the camp the same refractory and independent spirit to which they were accustomed in their civil government. Henry therefore introduced the practice of making a commutation of their military service for money; and he levied scutages from his baronies and knights fees, instead of requiring the personal attendance of his vassals. There is mention made, in the history of the exchequer, of these scutages in his second, fifth, and eighteenth year (*Madox*, p. 435, 436, 437, 438); and other writers give us an account of three more of them (*Tyrrel*, vol. 11, p. 466, from the records). When the prince had thus obtained money, he made a contract with some of those adventurers in which Europe at that time abounded. They found him soldiers of the same character with themselves, who were bound to serve for a stipulated time. The armies were less numerous, but more useful than when composed of all the military vassals of the crown. The feudal institutions began to relax. The kings became rapacious for money, on which all their power depended. The barons, seeing no end of exactions, sought to defend their property; and as the same causes had nearly the same effects in the different countries of Europe, the several crowns either lost or acquired authority according to the different success in the contest.

This prince was also the first that levied a tax on the movables or personal estates of his subjects, nobles as well as commons. Their

<sup>1</sup> *Rymer*, vol. 14., p. 43; *Bened Abb.*, p. 172; *Diceto*, p. 597, *Brompton*, p. 1220.

zeal for the holy wars made them submit to this innovation; and a precedent being once obtained, this taxation became, in following reigns, the usual method of supplying the necessities of the crown. The tax of the Danegelt, so generally odious to the nation, was remitted in this reign.

It was a usual practice of the kings of England to repeat the ceremony of their coronation thrice every year, on assembling the states at the three great festivals. Henry, after the first years of his reign, never renewed this ceremony, which was found to be very expensive and very useless. None of its successors revived it. It is considered as a great act of grace in this prince, that he mitigated the rigour of the forest laws, and punished any transgressions of them, not capitally, but by fines, imprisonments, and other more moderate penalties.

Since we are here collecting some detached incidents which show the genius of the age, and which could not so well enter into the body of our history, it may not be improper to mention the quarrel between Roger, Archbishop of York, and Richard, Archbishop of Canterbury. We may judge of the violence of military men and laymen, when ecclesiastics could proceed to such extremities. Cardinal Haguezun being sent, in 1176, as legate into Britain, summoned an assembly of the clergy at London; and as both the archbishops pretended to sit on his right hand, this question of precedency began a controversy between them. The monks and retainers of Archbishop Richard fell upon Roger, in the presence of the cardinal and of the synod, threw him to the ground, trampled him under foot, and so bruised him with blows, that he was taken up half dead, and his life was with difficulty saved from their violence. The Archbishop of Canterbury was obliged to pay a large sum of money to the legate, in order to suppress all complaints with regard to this enormity.<sup>1</sup>

We are told by Giraldu Cambrensis, that the monks and prior of St. Swithun threw themselves, one day, prostrate on the ground and in the mire before Henry, complaining, with many tears and doleful lamentation, that the Bishop of Winchester, who was also their abbot, had cut off three dishes from their table. 'How many has he left you?' said the king. 'Ten only,' replied the disconsolate monks. 'I myself,' exclaimed the king, 'never have more than three, and I enjoin your bishop to reduce you to the same number (Giraldu Cambrensis, cap. 5, in *Anglia Sacra*, vol. 11).

This king left only two legitimate sons; Richard, who succeeded him, and John, who inherited no territory, though his father had often intended to leave him a part of his extensive dominions. He was thence commonly denominated 'Lackland.' Henry left three legitimate daughters, Maud, born in 1156, and married to Henry, Duke of Saxony; Eleanor, born in 1162, and married to Alphonso, King of Castile; Joan, born in 1165, and married to William, King of Sicily (Diceto, p. 616).

Henry is said by ancient historians to have been of a very amorous disposition. They mention two of his natural sons by Rosamond, daughter of Lord Clifford, namely, Richard Longespée, or Longsword (so called from the sword he usually wore), who was afterwards mar-

<sup>1</sup> Bened Abb., p. 138, 139, Brompton, p. 1109, Chron Gerv., p. 1433, Neuburg, p. 473



ried to Ela, the daughter and heir of the Earl of Salisbury; and Geoffrey, first Bishop of Lincoln, then Archbishop of York. All the other circumstances of the story commonly told of that lady seem to be fabulous.

## CHAPTER X.

### RICHARD I.

*The king's preparation for the crusades—Sets out on the crusade—Transactions in Sicily.—King's arrival in Palestine—Disorders in England.—The king's heroic actions in Palestine.—His return from Palestine.—Captivity in Germany—War with France.—The king's delivery.—Return to England—War with France—Death—and character of the king—Miscellaneous transactions of this reign.*

THE compunction of Richard for his undutiful behaviour towards his father was durable, and influenced him in the choice of his ministers and servants after his accession. Those who had seconded and favoured his rebellion, instead of meeting with that trust and honour which they expected, were surprised to find that they lay under disgrace with the new king, and were on all occasions hated and despised by him. The faithful ministers of Henry who had vigorously opposed all the enterprises of his sons, were received with open arms, and were continued in those offices which they had honourably discharged to their former master.<sup>1</sup> This prudent conduct might be the result of reflection; but in a prince like Richard, so much guided by passion, and so little by policy, it was commonly ascribed to a principle still more virtuous and more honourable.

Richard, that he might make atonement to one parent for his breach of duty to the other, immediately sent orders for releasing the queen-dowager from the confinement in which she had long been detained, and he entrusted her with the government of England till his arrival in that kingdom. His bounty to his brother John was rather profuse and imprudent. Besides bestowing on him the county of Mortaigne, in Normandy, granting him a pension of four thousand marks a year, and marrying him to Avisa, the daughter of the earl of Gloucester, by whom he inherited all the possessions of that opulent family, he increased this appanage, which the late king had destined him, by other extensive grants and concessions. He conferred on him the whole estate of William Peverell, which had escheated to the crown: he put him in possession of eight castles, with all the forests and honours annexed to them; he delivered over to him no less than six earldoms, Cornwall, Devon, Somerset, Nottingham, Dorset, Lancaster, and Derby; and endeavouring, by favours, to fix that vicious prince in his duty, he put it too much in his power, whenever he pleased, to depart from it.

The king, impelled more by the love of military glory than by superstition, acted, from the beginning of his reign, as if the sole purpose of

<sup>1</sup> Hoveden, p. 655; Bened Abb, p. 547; M. Paris, p. 107.

his government had been the relief of the Holy Land, and the recovery of Jerusalem from the Saracens. This zeal against infidels being communicated to his subjects, broke out in London on the day of his coronation, and made them find a crusade less dangerous, and attended with more immediate profit. The prejudices of the age had made the lending of money on interest pass by the invidious name of usury; yet the necessity of the practice had still continued it, and the greater part of that kind of dealing fell everywhere into the hands of the Jews, who, being already infamous on account of their religion, had no honour to lose, and were apt to exercise a profession, odious in itself, by every kind of rigour, and even sometimes by rapine and extortion. The industry and frugality of his people had put them in possession of all the ready money which the idleness and profusion, common to the English with other European nations, enabled them to lend at exorbitant and unequal interest. The monkish writers represent it as a great stain on the wise and equitable government of Henry, that he had carefully protected this infidel race from all injuries and insults; but the zeal of Richard afforded the populace a pretence for venting their animosity against them. The king had issued an edict, prohibiting their appearance at his coronation; but some of them bringing him large presents from their nation, presumed, in confidence of that merit, to approach the hall in which he dined. Being discovered, they were exposed to the insults of the bystanders; they took to flight; the people pursued them; the rumour was spread that the king had issued orders to massacre all the Jews; a command so agreeable was executed in an instant on such as fell into the hands of the populace, those who had kept at home were exposed to equal danger; the people, moved by rapacity and zeal, broke into their houses, which they plundered, after having murdered the owners; where the Jews barricaded their doors, and defended themselves with vigour, the rabble set fire to the houses, and made way through the flames to exercise their pillage and violence, the usual licentiousness of London, which the sovereign power with difficulty restrained, broke out with fury, and continued these outrages; the houses of the rich citizens, though Christians, were next attacked and plundered; and weariness and satiety at last put an end to the disorder. Yet, when the king empowered Glanville, the justiciary, to enquire into the authors of these crimes, the guilt was found to involve so many of the most considerable citizens, that it was deemed more prudent to drop the prosecution; and very few suffered the punishment due to this enormity. But the disorder stopped not at London. The inhabitants of the other cities of England hearing of this slaughter of the Jews, imitated the example. In York, five hundred of that nation, who had retired into the castle for safety, and found themselves unable to defend the place, murdered their own wives and children, threw the dead bodies over the walls upon the populace, and then setting fire to the houses perished in the flames. The gentry of the neighbourhood, who were all indebted to the Jews, ran to the cathedral, where their bonds were kept, and made a solemn bonfire of the papers before the altar. The compilers of the *Annals of Waverly*, in relating these events, blesses the Almighty for thus delivering over this impious race to destruction (*Gale's Collect.*, vol. in., p. 165).

The ancient situation of England, when the people possessed little riches and the public no credit, made it impossible for sovereigns to bear the expense of a steady or durable war, even on their frontiers; much less could they find regular means for the support of distant expeditions like those into Palestine, which were more the result of popular frenzy than of sober reason or deliberate policy. Richard therefore knew that he must carry with him all the treasure necessary for his enterprise, and that both the remoteness of his own country and its poverty made it unable to furnish him with those continued supplies which the exigencies of so perilous a war must necessarily require. His father had left him a treasure of above a hundred thousand marks; and the king, negligent of every consideration but his present object, endeavoured to augment this sum by all expedients, how pernicious soever to the public, or dangerous to royal authority. He put to sale the revenues and manors of the crown, the offices of greatest trust and power, even those of forester and sheriff, which anciently were so important,<sup>1</sup> became venal; the dignity of chief justiciary, in whose hands was lodged the whole execution of the laws, was sold to Hugh de Puzas, Bishop of Dunham, for a thousand marks: the same prelate bought the earldom of Northumberland for life (M. Paris, p. 109); many of the champions of the Cross, who had repented of their vow, purchased the liberty of violating it, and Richard, who stood less in need of men than of money, dispensed, on these conditions, with their attendance. Elated with the hopes of fame, which in that age attended no wars but those against the infidels, he was blind to every other consideration; and when some of his wiser ministers objected to this dissipation of the revenue and power of the crown, he replied, that he would sell London itself, could he find a purchaser (W. Heming, p. 519; Knyghton, p. 2402). Nothing indeed could be a stronger proof how negligent he was of all future interests in comparison of the crusade, than his selling, for so small a sum as 10,000 marks, the vassalage of Scotland, together with the fortresses of Roxborough and Berwic, the greatest acquisition that had been made by his father during the course of his victorious reign; and his accepting the homage of William in the usual terms, merely for the territories which that prince held in England.<sup>2</sup> The English, of all ranks and stations, were oppressed by numerous exactions; menaces were employed both against the innocent and the guilty, in order to extort money from them; and where a pretence was wanting against the rich, the king obliged them, by the fear of his displeasure, to lend him sums which, he knew, it would never be in his power to repay.

But Richard, though he sacrificed every interest and consideration to the success of this pious enterprise, carried so little the appearance of sanctity in his conduct, that Fulk, curate of Neuilly, a zealous preacher of the crusade, who from that merit had acquired the privilege of speaking the boldest truths, advised him to rid himself of his notorious vices, particularly his pride, avarice, and voluptuousness, which he called the king's three favourite daughters 'You counsel

<sup>1</sup> The sheriff had anciently both the administration of justice and the management of the king's revenue committed to him in the county. *Hale of Sheriff's Accounts*

<sup>2</sup> Hoveden, p. 662; Rymer, vol. 1., p. 64, M. West, p. 257.

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'well, replied Richard; and I hereby dispose of the first to the Templars, of the second to the Benedictines, and of the third to my prelates.'

Richard, jealous of attempts which might be made on England during his absence, laid Prince John, as well as his natural brother Geoffrey, Archbishop of York, under engagements, confirmed by their oaths, that neither of them should enter the kingdom till his return; though he thought proper, before his departure, to withdraw this prohibition. The administration was left in the hands of Hugh, Bishop of Durham, and of Longchamp, Bishop of Ely, whom he appointed justiciaries and guardians of the realm. The latter was a Frenchman of mean birth, and of a violent character, who by art and address had insinuated himself into favour, whom Richard had created chancellor, and whom he had engaged the Pope also to invest with the legantine authority, that by centring every kind of power in his person, he might the better insure the public tranquillity. All the military and turbulent spirits flocked about the person of the king, and were impatient to distinguish themselves against the infidels in Asia; whither his inclinations, his engagements led him, and whither he was impelled by messages from the King of France, ready to embark in this enterprise.

The Emperor Frederick, a prince of great spirit and conduct, had already taken the road to Palestine at the head of 150,000 men, collected from Germany and all the northern states. Having surmounted every obstacle thrown in his way by the artifices of the Greeks and the power of the infidels, he had penetrated to the borders of Syria; when bathing in the cold river Cydnus during the greatest heat of the summer season, he was seized with a mortal distemper, which put an end to his life and his rash enterprise (Bened. Abb., p. 556). His army, under the command of his son Conrade, reached Palestine, but was so diminished by fatigue, famine, maladies, and the sword, that it scarcely amounted to eight thousand men, and was unable to make any progress against the great power, valour, and conduct of Saladin. These reiterated calamities attending the crusades had taught the kings of France and England the necessity of trying another road to the Holy Land; and they determined to conduct their armies thither by sea, to carry provisions along with them, and by means of their naval power to maintain an open communication with their own states, and with the western parts of Europe. The place of rendezvous was appointed in the plains of Vezelay, on the borders of Burgundy (Hoveden, p. 660); Philip and Richard, on their arrival there, found their combined army amount to 100,000 men (Vinisaufr, p. 305), a mighty force, animated with glory and religion, conducted by two warlike monarchs, provided with everything which their several dominions could supply, and not to be overcome but by their own misconduct, or by the insurmountable obstacles of nature.

The French prince and the English here reiterated their promises of cordial friendship, pledged their faith not to invade each other's dominions during the crusade, mutually exchanged the oaths of all their barons and prelates to the same effect, and subjected themselves to the penalty of interdicts and excommunications, if they should ever

violate this public and solemn engagement. They then separated; Philip took the road to Genoa, Richard that to Marseilles, with a view of meeting their fleets, which were severally appointed to rendezvous in these harbours. They put to sea (14th Sept.), and nearly about the same time were obliged by stress of weather to take shelter in Messina, where they were detained during the whole winter. This incident laid the foundation of animosities which proved fatal to their enterprise.

Richard and Philip were, by the situation and extent of their dominions, rivals in power; by their age and inclination, competitors for glory; and these causes of emulation, which had the princes been employed in the field against the common enemy, might have stimulated them to martial enterprises, soon excited, during the present leisure and repose, quarrels between monarchs of such a fiery character. Equally haughty, ambitious, intrepid, and inflexible, they were irritated with the least appearance of injury, and were incapable, by mutual condescensions to efface those causes of complaint which unavoidably arose between them. Richard, candid, sincere, undesigning, impolitic, violent, laid himself open, on every occasion to the designs of his antagonist; who, provident, interested, intriguing, failed not to take all advantages against him; and thus, both the circumstances of their disposition in which they were familiar, and those in which they differed, rendered it impossible for them to persevere in that harmony, which was so necessary to the success of their undertaking.

The last king of Sicily and Naples was William II., who had married Joan, sister to Richard, and who dying without issue, had bequeathed his dominions to his paternal aunt, Constantia, the only legitimate descendant surviving of Roger, the first sovereign of those states who had been honoured with the royal title. This princess had, in expectation of that rich inheritance, been married to Henry VI., the reigning emperor (Bened. Abb., p. 580); but Tancred, her natural brother, had fixed such an interest among the barons, that, taking advantage of Henry's absence, he had acquired possession of the throne, and maintained his claim by force of arms, against all the efforts of the Germans (Hoveden, p. 663). The approach of the crusaders naturally gave him apprehensions for his unstable government, and he was uncertain whether he had most reason to dread the presence of the French or of the English monarch. Philip was engaged in a strict alliance with the emperor his competitor, Richard was disgusted by his rigours towards the queen-dowager, whom the Sicilian prince had confined in Palermo, because she had opposed with all her interest his succession to the crown. Tancred, therefore, sensible of the present necessity, resolved to pay court to both these formidable princes, and he was not unsuccessful in his endeavours. He persuaded Philip that it was highly improper for him to interrupt his enterprise against the infidels by any attempt against a Christian state; he restored Queen Joan to her liberty, and even found means to make an alliance with Richard, who stipulated by treaty to marry his nephew Arthur, the young Duke of Brittany, to one of the daughters of Tancred (Hoveden, p. 676, 677; Bened. Abb., p. 615). But before these terms of friendship were settled, Richard, jealous both of Tancred and of the inhabitants

of Messina, had (Oct. 3) taken up his quarters in the suburbs, and had possessed himself of a small fort which commanded the harbour, and he kept himself extremely on his guard against their enterprises. The citizens took umbrage. Mutual insults and attacks passed between them and the English; Philip, who had quartered his troops in the town, endeavour to accommodate the quarrel, and held a conference with Richard for that purpose. While the two kings, meeting in the open fields, were engaged in discourse on this subject, a body of those Sicilians seemed to be drawing towards them, and Richard pushed forwards in order to inquire into the reason of this extraordinary movement (Bened. Abb, p. 608). The English, insolent from their power, and inflamed with former animosities, wanted but a pretence for attacking the Messinese; they soon chased them off the field, drove them into the town, and entered with them at the gates. The king employed his authority to restrain them from pillaging and massacring the defenceless inhabitants; but he gave orders in token of his victory, that the standard of England should be erected on the walls. Philip, who considered that place as his quarters, exclaimed against the insult, and ordered some of his troops to pull down the standard; but Richard informed him by a messenger that, though he himself would willingly remove that ground of offence, he would not permit it to be done by others; and if the French king attempted such an insult upon him, he should not succeed but by the utmost effusion of blood. Philip, content with this species of haughty submission, recalled his orders (Hoveden, p. 674); the difference was seemingly accommodated, but still left the remains of rancour and jealousy in the breasts of the two monarchs.

Tancred, who, for his own security, desired to inflame their mutual hatred, employed an artifice, which might have been attended with consequences still more fatal. He showed Richard a letter signed by the French king, and delivered to him, as he pretended, by the Duke of Burgundy; in which that monarch desired Tancred to fall upon the quarters of the English, and promised to assist him in putting them to the sword as common enemies. The unwary Richard gave credit to the information, but was too candid not to betray his discontent to Philip, who absolutely denied the letter, and charged the Sicilian prince with forgery and falsehood. Richard either was, or pretended to be, entirely satisfied.<sup>1</sup>

Lest these jealousies and complaints should multiply between them, it was proposed that they should, by a solemn treaty, obviate all future differences, and adjust every point that could possibly hereafter become a controversy between them. But this expedient started a new dispute, which might have proved more dangerous than any of the foregoing, and which deeply concerned the honour of Philip's family. When Richard, in every treaty with the late king, insisted so strenuously on being allowed to marry Alice of France, he had only sought a pretence for quarrelling, and never meant to take to his bed a princess suspected of a criminal amour with his own father. After he became master, he no longer spake of that alliance; he even took measures for espousing Berengaria, daughter of Sanchez, King of Navarre, with

<sup>1</sup> Hoveden, p. 688, Bened Abb, p. 642, 643; Brompton, p. 1195.

whom he had become enamoured during his abode in Guienne (Vinisauf, p. 316); Queen Eleanor was daily expected with that princess at Messina,<sup>1</sup> and when Philip renewed to him his applications for espousing his sister Alice, Richard was obliged to give him an absolute refusal. It is pretended by Hoveden and other historians (Hoveden, p. 688), that he was able to produce such convincing proofs of Alice's infidelity, and even of her having born a child to Henry, that her brother desisted from his applications, and chose to wrap up the dishonour of his family in silence and oblivion. It is certain, from the treaty itself, which remains,<sup>2</sup> that whatever were his motives, he permitted Richard to give his hand to Berengaria; and having settled all other controversies with that prince, he immediately set sail for the Holy Land. Richard awaited some time the arrival of his mother and bride, and when they joined him, he separated his fleet into two squadrons and set forward on his enterprise. Queen Eleanor returned to England, but Berengaria and the queen-dowager of Sicily, his sister, attended him on the expedition (Bened. Abb., p. 644).

The English fleet, on leaving the port of Messina, met with a furious tempest, and the squadron on which the two princesses were embarked was (April 12) driven on the coast of Cyprus, and some of the vessels were wrecked near Limisso, in that island. Isaac, Prince of Cyprus, who assumed the magnificent title of Emperor, pillaged the ships that were stranded, threw the seamen and passengers into prison, and even refused to the princesses liberty, in their dangerous situation, of entering the harbour of Limisso. But Richard, who arrived soon after, took ample vengeance on him for the injury. He disembarked his troops, defeated the tyrant who opposed his landing, entered Limisso by storm, gained next day a second victory, obliged Isaac to surrender at discretion, and established governors over the island. The Greek prince, being thrown into prison and loaded with irons, complained of the little regard with which he was treated; upon which, Richard ordered silver fetters to be made for him, and this emperor, pleased with the distinction, expressed a sense of the generosity of his conqueror.<sup>3</sup> The king here (May 12) espoused Berengaria, who, immediately embarking, carried along with her to Palestine the daughter of the Cypriot prince, a dangerous rival, who was believed to have seduced the affections of her husband. Such were the libertine character and conduct of the heroes engaged in this pious enterprise!

The English army arrived in time to partake in the glory of the siege of Acre or Ptolemais, which had been attacked for above two years by the united force of all the Christians in Palestine, and had been defended by the utmost efforts of Saladin and the Saracens. The remains of the German army, conducted by the Emperor Frederic, and the separate bodies of adventurers who continually poured in from the West, had enabled the King of Jerusalem to form this important enterprise (Vinisauf, p. 269, 271, 279) but Saladin, having thrown a strong garrison into the place under the command of Caracos, his own master in the art of war, and molesting the besiegers with continual attacks and

<sup>1</sup> M. Paris, p. 112, Trivet, p. 102, W. Heming, p. 519.

<sup>2</sup> Rymer, vol. 1., p. 69, Chron. De Dunst., p. 44.

<sup>3</sup> Bened. Abb., p. 650, Ann. Waverl., p. 164, Vinisauf, p. 328; W. Heming, p. 523.

sallies, had protracted the success of the enterprise, and wasted the force of his enemies. The arrival of Philip and Richard inspired new life into the Christians, and these princes, acting by concert, and sharing the honour and danger of every action, gave hopes of a final victory over the infidels. They agreed on this plan of operations; when the French monarch attacked the town, the English guarded the trenches. Next day, when the English prince conducted the assault, the French succeeded him in providing for the safety of the assailants. The emulation between those rival kings and rival nations produced extraordinary acts of valour Richard in particular, animated with a more precipitate courage than Philip, and more agreeable to the romantic spirit of that age, drew to himself the general attention, and acquired a great and splendid reputation. But this harmony was of short duration; and occasions of discord soon arose between these jealous and haughty princes.

The family of Bouillon, which had first been placed on the throne of Jerusalem, ending in a female, Fulk, Count of Anjou, grandfather to Henry II. of England, married the heiress of that kingdom, and transmitted his title to the younger branches of his family. The Anjevin race ending also in a female, Guy de Lusignan, by espousing Sibylla, the heiress, had succeeded to the title; and though he lost his kingdom by the invasion of Saladin, he was still acknowledged by all the Christians for King of Jerusalem (Vinisauf, p 281). But as Sibylla died without issue, during the siege of Acre, Isabella, her younger sister, put in her claim to that titular kingdom, and required Lusignan to resign his pretensions to her husband, Conrade, marquis of Monserrat Lusignan, maintaining that the royal title was inalienable and indefeasible, had recourse to the protection of Richard, attended on him before he left Cyprus, and engaged him to embrace his cause<sup>1</sup>. There needed no other reason for throwing Philip into the party of Conrade; and the opposite views of these great monarchs brought faction and dissension into the Christian army, and retarded all its operations. The Templars, the Genoese, and the Germans, declared for Philip and Conrade; the Flemings, the Pisans, the knights of the hospital of St. John, adhered to Richard and Lusignan. But notwithstanding these disputes, as the length of the siege had reduced the Saracen garrison to the last extremity, they (July 12th, 1191) surrendered themselves prisoners; stipulated, in return for their lives, other advantages to the Christians, such as the restoring of the Christian prisoners, and the delivery of the wood of the true cross,<sup>2</sup> and this great enterprise, which had long engaged the attention of all Europe and Asia, was at last, after the loss of 300,000 men, brought to a happy period.

But Philip, instead of pursuing the hopes of further conquest, and of redeeming the Holy City from slavery, being disgusted with the ascendancy assumed and acquired by Richard, and having views of many advantages which he might reap by his presence in Europe, declared his resolution of returning to France, and he pleaded his bad

<sup>1</sup> Tivet, p 134. Vinisauf, p 342. W Heming, p 524.

<sup>2</sup> This true cross was lost in the battle of Tiberade, to which it had been carried by the crusaders for their protection. Rigord, an author of that age, says, that after that dismal event, all the children who were born throughout all Christendom, had only twenty or twenty-two teeth, instead of thirty or thirty-two, which was their former complement, p 14.



state of health as an excuse for his desertion of the common cause. He left, however, to Richard ten thousand of his troops, under the command of the Duke of Burgundy; and he renewed his oath never to commence hostilities against that prince's dominions during his absence. But he had no sooner reached Italy than he applied, it is pretended, to Pope Celestine III for a dispensation from this vow; and when denied that request, he still proceeded, though after a covert manner, in a project which the present situation of England rendered inviting, and which gratified, in an eminent degree, both his resentment and his ambition.

Immediately after Richard had left England, and begun his march to the Holy Land, the two prelates, whom he had appointed guardians of the realm, broke out into animosities against each other, and threw the kingdom into combustion. Longchamp, presumptuous in his nature, elated by the favour which he enjoyed with his master, and armed with the legantine commission, could not submit to an equality with the Bishop of Durham, he even went so far as to arrest his colleague, and to extort from him a resignation of the earldom of Northumberland, and of his other dignities, as the price of his liberty (Hoveden, p. 665, Knyghton, p. 2403). The king, informed of these dissensions, ordered, by letters from Marseilles, that the bishop should be reinstated in his offices, but Longchamp had still the boldness to refuse compliance, on pretence that he himself was better acquainted with the king's secret intentions (W. Heming, p. 528). He proceeded to govern the kingdom by his sole authority, to treat all the nobility with arrogance, and to display his power and riches with an invidious ostentation. He never travelled without a strong guard of fifteen hundred foreign soldiers, collected from that licentious tribe with which the age was generally infested. Nobles and knights were proud of being admitted into his train; his retinue wore the aspect of royal magnificence, and when, in his progress through the kingdom, he lodged in any monastery, his attendants, it is said, were sufficient to devour in one night the revenue of several years<sup>1</sup>. The king, who was detained in Europe longer than the haughty prelate expected, hearing of this ostentation, which exceeded even what the habits of that age indulged in ecclesiastics, being also informed of the insolent, tyrannical conduct of his minister, thought proper to restrain his power. He sent new orders, appointing Walter, Archbishop of Rouen, William Mareshal, Earl of Strigul, Geoffrey Fitz-Peter, William Briewere, and Hugh Bardolf, counsellors to Longchamp, and commanding him to take no measure of importance without their concurrence and approbation. But such general terror had this man impressed by his violent conduct, that even the Archbishop of Rouen and the Earl of Strigul durst not produce this mandate of the king's, and Longchamp still maintained an uncontrolled authority over the nation. But when he proceeded so far as to throw into prison Geoffrey, Archbishop of York, who had opposed his measures, this breach of ecclesiastical privileges excited such an universal ferment, that Prince John, disgusted with the small share he possessed in the government, and personally disobliged by Longchamp, ventured to summon, at Reading, a general council of

<sup>1</sup> Hoveden, p. 680, Bened Abb, p. 626, 700. Brompton, p. 1193

the nobility and prelates, and cite him to appear before them. Longchamp thought it dangerous to entrust his person in their hands, and he shut himself up in the Tower of London; but being soon obliged to surrender that fortress, he fled beyond sea, concealed under a female habit, and was deprived of his offices of chancellor and chief justiciary; the last of which was conferred on the Archbishop of Rouen, a prelate of prudence and moderation. The commission of legate, however, which had been renewed to Longchamp by Pope Celestine, still gave him, notwithstanding his absence, great authority in the kingdom, enabled him to disturb the government, and forwarded the views of Philip, who watched every opportunity of annoying Richard's dominions. That monarch first attempted to carry open war into Normandy; but as the French nobility refused to follow him in an invasion of a state which they had sworn to protect, and as the Pope, who was the general guardian of all princes that had taken the cross, threatened him with ecclesiastical censures, he desisted from his enterprise, and employed against England the expedient of secret policy and intrigue. He debauched Prince John from his allegiance, promised him his sister Alice in marriage; offered to give him possession of all Richard's transmarine dominions; and had not the authority of Queen Eleanor, and the menaces of the English council, prevailed over the inclinations of that turbulent prince, he was ready to have crossed the seas, and to have put in execution his criminal enterprises.

The jealousy of Philip was every moment excited by the glory which the great actions of Richard were gaining him in the East, and which, being compared to his own desertion of that popular cause, threw a double lustre on his rival. His envy, therefore, prompted him to obscure that fame which he had not equalled, and he embraced every pretence of throwing the most violent and most improbable calumnies on the King of England. There was a petty prince in Asia, commonly called 'The Old Man of the Mountain,' who had acquired such an ascendant over his fanatical subjects, that they paid the most implicit deference to his commands; esteemed assassination meritorious, when sanctified by his mandate, courted danger, and even certain death, in the execution of his orders, and fancied, that when they sacrificed their lives for his sake, the highest joys of paradise were the infallible reward of their devoted obedience (W Heming, p. 532, Brompton, p. 1243). It was the custom of this prince, when he imagined himself injured, to despatch secretly some of his subjects against the aggressor, to charge them with the execution of his revenge, to instruct them in every art of disguising their purpose, and no precaution was sufficient to guard any man, however powerful, against the attempts of those subtle and determined ruffians. The greatest monarchs stood in awe of this prince of the assassins (for that was the name of his people; whence the word has passed into most European languages), and it was the highest indiscretion in Coniade, Marquis of Montserrat, to offend and affront him. The inhabitants of Tyre, who were governed by that nobleman, had put to death some of this dangerous people: the prince demanded satisfaction, for, as he piqued himself on never beginning any offence (Rymer, vol. I., p. 71), he had his regular and established formalities in requiring atonement. Coniade treated his

messengers with disdain, the prince issued the fatal orders; two of his subjects who had insinuated themselves in disguise among Conrade's guards, openly, in the streets of Sidon, wounded him mortally; and when they were seized and put to the most cruel tortures, they triumphed amidst their agonies, and rejoiced that they had been destined by Heaven to suffer in so just and meritorious a cause.

Every one in Palestine knew from what hand the blow came. Richard was entirely free from suspicion. Though that monarch had formerly maintained the cause of Lusignan against Conrade, he had become sensible of the bad effects attending those dissensions, and had voluntarily conferred on the former the kingdom of Cyprus, on condition that he should resign to his rival all pretensions to the crown of Jerusalem (Vinisauf, p. 391). Conrade himself, with his dying breath, had recommended his widow to the protection of Richard (Brompton, p. 1243); the prince of the assassins avowed the action in a formal narrative which he sent to Europe,<sup>1</sup> yet on this foundation the King of France thought fit to build the most egregious calumnies, and to impute to Richard the murder of the Marquis of Montserrat, whose elevation he had once openly opposed. He filled all Europe with exclamations against the crime; appointed a guard for his own person in order to defend himself against a like attempt (W. Heming, p. 532; Brompton, p. 1245), and endeavoured, by these shallow artifices, to cover the infamy of attacking the dominions of a prince whom he himself had deserted, and was engaged with so much glory in a war acknowledged to be the common cause of Christendom.

But Richard's heroic actions in Palestine were the best apology for his conduct. The Christian adventurers under his command determined, on opening the campaign, to attempt the siege of Ascalon, in order to prepare the way for that of Jerusalem; and they marched along the sea-coast with that intention. Saladin purposed to intercept their passage, and he placed himself on the road with an army amounting to 300,000 combatants. On this occasion was fought one of the greatest battles of that age, and the most celebrated for the military genius of the commanders, for the number and valour of the troops, and for the great variety of events which attended it. Both the right wing of the Christians, commanded by D'Avesnes, and the left conducted by the Duke of Burgundy, were, in the beginning of the day, broken and defeated; when Richard, who led on the main body, restored the battle, attacked the enemy with intrepidity and presence of mind; performed the part both of a consummate general and gallant soldier; and not only gave his two wings leisure to recover their confusion, but obtained a complete victory over the Saracens, of whom forty thousand are said to have perished in the field.<sup>2</sup> Ascalon soon after fell into the hands of the Christians; other sieges were carried on with equal success; Richard was even able to advance within sight of Jerusalem, the object of his enterprise, when he had the mortification to find that he must abandon all hopes of immediate success, and must put a stop to his career of victory. The crusaders, animated with an enthusiastic ardour for the holy wars, broke at first through all

<sup>1</sup> Rymer, vol. i, p. 71, Trivet, p. 124, W. Heming, p. 544, Diceto, p. 680.

<sup>2</sup> Hoveden, p. 698, Bened. Abb., p. 677, Diceto, p. 662, Brompton, p. 1214.

regards to safety or interest in the prosecution of their purpose; and trusting to the immediate assistance of Heaven, set nothing before their eyes but fame and victory in this world, and a crown of glory in the next. But long absence from home, fatigue, disease, want, and the variety of incidents which naturally attend war, had gradually abated that fury which nothing was able directly to withstand; and every one, except the King of England, expressed a desire of speedily returning into Europe. The Germans and the Italians declared their resolution of desisting from the enterprise, the French were still more obstinate in this purpose, the Duke of Burgundy, in order to pay court to Philip, took all opportunities of mortifying and opposing Richard (Vinsauf, p. 380); and there appeared an absolute necessity of abandoning for the present all hopes of further conquest, and of securing the acquisitions of the Christians by an accommodation with Saladin. Richard, therefore, concluded a truce with that monarch, and stipulated that Acre, Joppa, and other seaport towns of Palestine, should remain in the hands of the Christians, and that every one of that religion should have liberty to perform his pilgrimage to Jerusalem unmolested. This truce was concluded for three years, three months, three weeks, three days, and three hours, a magical number which had probably been devised by the Europeans, and which was suggested by a superstition well suited to the object of the war.

The liberty in which Saladin indulged the Christians to perform their pilgrimages to Jerusalem, was an easy sacrifice on his part, and the furious wars which he waged in defence of the barren territory of Judea, were not with him, as with the European adventurers, the result of superstition, but of policy. The advantage indeed of science, moderation, humanity, was at that time entirely on the side of the Saracens; and this gallant emperor, in particular, displayed, during the course of the war, a spirit and generosity which even his bigoted enemies were obliged to acknowledge and admire. Richard, equally martial and brave, carried with him more of the barbarian character; and was guilty of acts of ferocity which threw a stain on his celebrated victories. When Saladin refused to ratify the capitulation of Acre, the King of England ordered all the prisoners, to the number of five thousand, to be butchered; and the Saracens found themselves obliged to retaliate upon the Christians by a like cruelty.<sup>1</sup> Saladin died at Damascus soon after concluding this truce with the princes of the crusade. It is memorable that before he expired he ordered his winding-sheet to be carried as a standard through every street of the city; while a crier went before and proclaimed with a loud voice, 'This is all that remains 'to the mighty Saladin, the conqueror of the East' By his last will he ordered charities to be distributed to the poor, without distinction of Jew, Christian, or Mahometan.

There remained, after the truce, no business of importance to detain Richard in Palestine; and the intelligence which he received concerning the intrigues of his brother John, and those of the King of France, made him sensible that his presence was necessary in Europe. As he dared not to pass through France, he sailed to the Adriatic, and being

<sup>1</sup> Hoveden, p. 697. Bened Abb, p. 673, M Paris, p. 115, Vinsauf, p. 346; W. Heming, p. 531.

shipwrecked near Aquileia, he put on the disguise of a pilgrim, with a purpose of taking his journey secretly through Germany. Pursued by the governor of Istria, he was forced out of the direct road to England, and was obliged to pass by Vienna, where his expenses and liberalities betrayed the monarch in the habit of the pilgrim, and he was arrested by orders of Leopold, Duke of Austria. This prince had served under Richard at the siege of Acre; but being disgusted by some insult of that haughty monarch, he was so ungenerous as to seize the present opportunity of gratifying at once his avarice and revenge, and he threw the king into prison. The Emperor Henry VI, who also considered Richard as an enemy on account of the alliance contracted by him with Tancred, King of Sicily, despatched messengers to the Duke of Austria, required the royal captive to be delivered to him, and stipulated a large sum of money as a reward for this service. Thus the King of England, who had filled the whole world with his renown, found himself, during the most critical state of his affairs, confined in a dungeon and loaded with irons in the heart of Germany (Chron. T. Wykes, p. 35), and entirely at the mercy of his enemies, the basest and most sordid of mankind.

The English council was astonished on receiving this fatal intelligence, and foresaw all the dangerous consequences which might naturally arise from that event. The queen-dowager wrote reiterated letters to Pope Celestine, exclaiming against the injury which her son had sustained; representing the impiety of detaining in prison the most illustrious prince that had yet carried the banners of Christ into the Holy Land; claiming the protection of the apostolic see, which was due even to the meanest of those adventurers; and upbraiding the Pope that in a cause where justice, religion, and the dignity of the Church were so much concerned, a cause which it might well befit his holiness himself to support by taking in person a journey to Germany, the spiritual thunders should so long be suspended over those sacrilegious offenders.<sup>1</sup> The zeal of Celestine corresponded not to the impatience of the queen-mother, and the regency of England were for a long time left to struggle alone with all their domestic and foreign enemies.

The King of France, quickly informed of Richard's confinement by a message from the emperor (Rymer, vol. i., p. 70), prepared himself to take advantage of the incident; and he employed every means of force and intrigue, of war and negotiation, against the dominions and the person of his unfortunate rival. He revived the calumny of Richard's assassinating the Marquis of Montserrat; and by that absurd pretence he induced his barons to violate their oaths, by which they had engaged that during the crusade they never would, on any account, attack the dominions of the King of England. He made the emperor the largest offers if he would deliver into his hands the royal prisoner, or at least detain him in perpetual captivity. He even formed an alliance by marriage with the King of Denmark, desired that the ancient Danish claim to the crown of England should be transferred to him, and solicited a supply of shipping to maintain it. But the most successful of Philip's negotiations was with Prince John, who forgetting every tie to his brother, his sovereign and his benefactor, thought of nothing but

<sup>1</sup> Rymer, vol. i., p. 72, 73, 74, 75, etc.

how to make his own advantage of the public calamities. That traitor, on the first invitation from the court of France, suddenly went abroad, had a conference with Philip, and made a treaty of which the object was the perpetual ruin of his unhappy brother. He stipulated to deliver into Philip's hands a great part of Normandy (*Ibid.*, p. 85); he received in return the investiture of all Richard's transmarine dominions; and it is reported by several historians that he even did homage to the French king for the crown of England.

In consequence of this treaty, Philip invaded Normandy, and by the treachery of John's emissaries, made himself master, without opposition, of many fortresses, Neuf-chatel, Neaufle, Gisors, Pacey, Ivree; he subdued the counties of Eu and Aumale; and advancing to form the siege of Rouen, he threatened to put all the inhabitants to the sword if they dared to make resistance. Happily, Robert, Earl of Leicester, appeared in that critical moment—a gallant nobleman who had acquired great honour during the crusade, and who being more fortunate than his master in finding his passage homewards, took on him the command in Rouen, and exerted himself by his exhortations and example to infuse courage into the dismayed Normans. Philip was repulsed in every attack, the time of service from his vassals expired; and he consented to a truce with the English regency, received in return the promise of 20,000 marks, and had four castles put into his hands as security for the payment (*Hoveden*, p. 730, 731; *Rymer, Fœdera*, vol i., p. 81).

Prince John, who, with a view of increasing the general confusion, went over to England, was still less successful in his enterprises. He was only able to make himself master of the castles of Windsor and Wallingford; but when he arrived in London, and claimed the kingdom as heir to his brother, of whose death he pretended to have received certain intelligence, he was rejected by all the barons, and measures were taken to oppose and subdue him (*Hoveden*, p. 724). The justiciaries, supported by the general affection of the people, provided so well for the defence of the kingdom, that John was obliged, after some fruitless efforts, to conclude a truce with them; and before its expiration, he thought it prudent to return into France, where he openly avowed his alliance with Philip (*W. Heming*, p. 536).

Meanwhile, the high spirit of Richard suffered in Germany every kind of insult and indignity. The French ambassadors, in their master's name, renounced him as a vassal to the crown of France, and declared all his fiefs to be forfeited to his liege-lord. The emperor, that he might render him more impatient for the recovery of his liberty, and make him submit to the payment of a larger ransom, treated him with the greatest severity, and reduced him to a condition worse than that of the meanest malefactor. He was even produced before the diet of the empire at Worms, and accused by Henry of many crimes and misdemeanours; of making an alliance with Tancred, the usurper of Sicily; of turning the arms of the Crusade against a Christian prince, and subduing Cyprus; of affronting the Duke of Austria before Acre; of obstructing the progress of the Christian arms by his quarrels with the King of France, of assassinating Conrad, Marquis of Montserrat; and of concluding a truce with Saladin, and leaving Jerusalem in the

hands of the Saracen emperor. Richard, whose spirit was not broken by his misfortunes, and whose genius was rather roused by these frivolous or scandalous imputations, after premising that his dignity exempted him from answering before any jurisdiction, except that of heaven; yet condescended, for the sake of his reputation, to justify his conduct before that great assembly. He observed, that he had no hand in Tancred's elevation, and only concluded a treaty with a prince whom he found in possession of the throne. That the king, or rather tyrant, of Cyprus, had provoked his indignation by the most ungenerous and unjust proceedings; and though he chastised this aggressor, he had not retarded a moment the progress of his chief enterprise. That if he had at any time been wanting in civility to the Duke of Austria, he had already been sufficiently punished for that sally of passion; and it better became men, embarked together in so holy a cause, to forgive each other's infirmities, than to pursue a slight offence with such unrelenting vengeance. That it had sufficiently appeared by the event, whether the King of France or he were most zealous for the conquest of the Holy Land, and were most likely to sacrifice private passions and animosities to that great object. That if the whole tenor of his life had not shown him incapable of a base assassination, and justified him from that imputation in the eyes of his very enemies, it was in vain for him, at present, to make his apology, or plead the many irrefragable arguments which he could produce in his own favour; and that, however he might regret the necessity, he was so far from being ashamed of his truce with Saladin, that he rather glored in that event; and thought it extremely honourable, that, though abandoned by all the world, supported only by his own courage and by the small remains of his national troops, he could yet obtain such conditions from the most powerful and most warlike emperor that the East had ever yet produced. Richard, after thus deigning to apologise for his conduct, burst out into indignation at the cruel treatment which he had met with; that he, the champion of the Cross, still wearing that honourable badge, should, after expending the blood and treasure of his subjects in the common cause of Christendom, be intercepted by Christian princes in his return to his own country, be thrown into a dungeon, be loaded with irons, be obliged to plead his cause, as if he were a subject and a malefactor; and, what he still more regretted, be thereby prevented from making preparations for a new crusade, which he had projected, after the expiration of the truce, and from redeeming the sepulchre of Christ, which had so long been profaned by the dominion of infidels. The spirit and eloquence of Richard made such impression on the German princes, that they exclaimed loudly against the conduct of the emperor; the Pope threatened him with excommunication; and Henry, who had hearkened to the proposals of the King of France and Prince John, found that it would be impracticable for him to execute his and their base purposes, or to detain the King of England any longer in captivity. He therefore concluded with him a treaty for his ransom, and agreed to restore him to his freedom for the sum of 150,000 marks, about 300,000*l.* of our present money; of which 100,000 marks were to be paid before he received his liberty, and sixty-seven hostages delivered for the remainder (Rymer, vol. i., p. 84). The

emperor, as if to gloss over the infamy of this transaction, made at the same time a present to Richard of the kingdom of Arles, comprehending Provence, Dauphiny, Narbonne, and other states, over which the empire had some antiquated claims, a present which the king very wisely neglected.

The captivity of the superior lord was one of the cases provided for by the feudal tenures, and all the vassals were in that event obliged to give an aid for his ransom. Twenty shillings were therefore levied on each knight's fee in England, but as this money came in slowly, and was not sufficient for the intended purpose, the voluntary zeal of the people readily supplied the deficiency. The churches and monasteries melted down their plate, to the amount of 30,000 marks; the bishops, abbots, and nobles, paid a fourth of their yearly rent, the parochial clergy contributed a tenth of their tithes, and the requisite sum being thus collected, Queen Eleanor, and Walter, Archbishop of Rouen (Feb. 4, 1194), set out with it for Germany; paid the money to the emperor and the Duke of Austria at Mentz; delivered them hostages for the remainder, and freed Richard from captivity. His escape was very critical. Henry had been detected in the assassination of the Bishop of Liege, and in an attempt of a like nature on the Duke of Louvaine; and finding himself extremely obnoxious to the German princes on account of these odious practices, he had determined to seek support from an alliance with the King of France, to detain Richard, the enemy of that prince, in perpetual captivity, to keep in his hands the money which he had already received for his ransom, and to extort fresh sums from Philip and Prince John, who were very liberal in their offers to him. He therefore gave orders that Richard should be pursued and arrested; but the king, making all imaginary haste, had already embarked at the mouth of the Scheldt, and was out of sight of land when the messengers of the emperor reached Antwerp.

The joy of the English was extreme on the appearance of their monarch who had suffered so many calamities, who had acquired so much glory, and who had spread the reputation of their name into the farthest East, whither their fame had never before been able to extend. He gave them, soon after his arrival (March 20), an opportunity of publicly displaying their exultation, by ordering himself to be crowned anew at Winchester, as if he intended, by that ceremony, to reinstate himself on his throne, and to wipe off the ignominy of his captivity. Their satisfaction was not damped, even when he declared his purpose of resuming all those exorbitant grants which he had been necessitated to make before his departure for the Holy Land. The barons also, in a great council, confiscated, on account of his treason, all Prince John's possessions in England, and they assisted the king in reducing the fortresses which still remained in the hands of his brother's adherents.<sup>1</sup> Richard, having settled everything in England, passed over with an army into Normandy; being impatient to make war on Philip, and to revenge himself for the many injuries which he had received from that monarch (Hoveden, p. 740). As soon as Philip heard of the king's deliverance from captivity, he wrote to his confederate, John, in these terms: 'Take care of yourself - the devil is broken loose' (Hoveden, p. 739).

<sup>1</sup> Hoveden, p. 737. Ann. Waverl., p. 165. W. Hemming, p. 540.



When we consider such powerful and martial monarchs, inflamed with personal animosity against each other, enraged by mutual injuries, excited by rivalry, impelled by opposite interests, and instigated by the pride and violence of their own temper; our curiosity is naturally raised, and we expect an obstinate and furious war, distinguished by the greatest events, and concluded by some remarkable catastrophe. Yet are the incidents, which attended those hostilities, so frivolous, that scarce any historian can entertain such a passion for military descriptions as to venture on a detail of them: a certain proof of the extreme weakness of princes in those ages, and of the little authority they possessed over their refractory vassals. The whole amount of the exploits on both sides is, the taking of a castle, the surprise of a straggling party, a rencounter of horse, which resembles more a rout than a battle. Richard obliged Philip to raise the siege of Verneuil; he took Loches, a small town in Anjou; he made himself master of Beaumont, and some other places of little consequence; and after these trivial exploits, the two kings began already to hold conferences for an accommodation. Philip insisted, that, if a general peace were concluded, the barons on each side should, for the future, be prohibited from carrying on private wars against each other: but Richard replied, that this was a right claimed by his vassals, and he could not debar them from it. After this fruitless negotiation, there ensued an action between the French and English cavalry at Fietteval, in which the former were routed, and the King of France's cartulary and records, which commonly at that time attended his person, were taken. But this victory leading to no important advantages, a truce for a year was at last, from mutual weakness, concluded between the two monarchs.

During this war, prince John deserted from Philip, threw himself at his brother's feet, craved pardon for his offences, and by the intercession of Queen Eleanor, was received into favour. 'I forgive him,' said the king, 'and hope I shall as easily forget his injuries as he will my pardon.' John was incapable even of returning to his duty without committing a baseness. Before he left Philip's party, he invited to dinner all the officers of the garrison, which that prince had placed in the citadel of Evreux; he massacred them during the entertainment, fell, with the assistance of the townsmen, on the garrison, whom he put to the sword, and then delivered up the place to his brother.

The King of France was the great object of Richard's resentment and animosity; the conduct of John, as well as that of the emperor and Duke of Austria, had been so base, and was exposed to such general odium and reproach, that the king deemed himself sufficiently revenged for their injuries, and he seems never to have entertained any project of vengeance against any of them. The Duke of Austria, about this time, having crushed his leg by the fall of his horse at a tournament, was thrown into a fever, and being struck on the approaches of death, with remorse for his injustice to Richard, he ordered by will, all the English hostages in his hands to be set at liberty, and the remainder of the debt due to him to be remitted; his son, who seemed inclined to disobey these orders, was constrained by his ecclesiastics to execute them (Rymer, vol. i., p. 88, 102). The emperor also made advances for Richard's friendship, and offered to give

him a discharge of all the debt not yet paid to him, provided he would enter into an offensive alliance against the King of France, a proposal which was very acceptable to Richard, and was greedily embraced by him. The treaty with the emperor took no effect, but it served to rekindle the war between France and England before the expiration of the truce. This war was not distinguished by any more remarkable incidents than the foregoing. After mutually ravaging the open country, and taking a few insignificant castles, the two kings concluded peace at Louviers, and made an exchange of some territories with each other (Rymer, vol. i., p. 91). Their inability to wage war occasioned the peace; their mutual antipathy engaged them again in war before two months expired. Richard imagined that he had now found an opportunity of gaining great advantages over his rival, by forming an alliance with the counts of Flanders, Toulouse, Boulogne, Champagne, and other considerable vassals of the crown of France.<sup>1</sup> But he soon experienced the insincerity of those princes, and was not able to make any impression on that kingdom while governed by a monarch of so much vigour and activity as Philip. The most remarkable incident of this war was the taking prisoner in battle the Bishop of Beauvais, a martial prelate, who was of the family of Dreux, and a near relation of the French king's. Richard, who hated that bishop, threw him into prison and loaded him with irons, and when the Pope demanded his liberty, and claimed him as a son, the king sent to his holiness the coat of mail which the prelate had worn in battle, and which was all besmeared with blood; and he replied to him, in the terms employed by Jacob's sons to that patriarch 'This have we found. know now whether it be thy son's coat or no.'<sup>2</sup> This new war between England and France, though carried on with such animosity, that both kings frequently put out the eyes of their prisoners, was soon finished by a truce of five years, and immediately after signing this treaty, the kings were ready, on some new offence, to break out again into hostilities, when the mediation of the Cardinal of St. Mary, the Pope's legate, accommodated the difference (Rymer, vol. i., p. 109, 110). This prelate even engaged the princes to commence a treaty for a more durable peace, but the death of Richard put an end to the negotiation.

Vidomar, Viscount of Limoges, a vassal of the king's had found a treasure, of which he sent part to that prince as a present. Richard, as superior lord, claimed the whole, and at the head of some Brabançons besieged the viscount in the castle of Chalus, near Limoges, in order to make him comply with his demand (Hoveden, p. 791, Knyghton, p. 2413). The garrison offered to surrender, but the king replied that since he had taken the pains to come thither and besiege the place in person, he would take it by force and hang every one of them. The same day, Richard, accompanied by Marcadée, leader of his Brabançons, approached the castle in order to survey it, when one Bertrand de Gourdon, an archer, took aim at him and pierced his shoulder with an arrow. The king however, gave orders for the assault (March 28), took the place and hanged all the garrison except Goudon, who had

<sup>1</sup> W. Henning, p. 549. Brompton, p. 1273; Rymer, vol. i., p. 94.

<sup>2</sup> Genesis, chap. 22, ver. 32, M. Paris, p. 128, Brompton, p. 1273

wounded him, and whom he reserved for a more deliberate and more cruel execution (*Ibid*).

The wound was not in itself dangerous, but the unskilfulness of the surgeon made it mortal; he so rankled Richard's shoulder in pulling out the arrow, that a gangrene ensued, and that prince was *now* sensible that his life was drawing towards a period. He sent *for* Gourdon, and asked him, 'Wretch, what have I ever done to you, to oblige you to seek my life?' 'What have you done to me?' replied coolly the prisoner; 'You killed with your own hands my father and my two brothers, and you intended to have hanged myself; I am now in your power, and you may take revenge by inflicting on me the most severe torments; but I shall endure them all with pleasure, provided I can think that I have been so happy as to rid the world of such a nuisance.'<sup>1</sup> Richard, struck with the reasonableness of this reply, and humbled by the near approach of death, ordered Gourdon to be set at liberty and a sum of money to be given him, but Marcadée unknown to him, seized the unhappy man, flayed him alive, and then hanged him. Richard died (April 6) in the tenth year of his reign, and the forty-second of his age, and he left no issue behind him.

The most shining part of this prince's character are his military talents. No man, even in that romantic age, carried personal courage and intrepidity to a greater height, and this quality gained him the appellation of the lion-hearted, 'Cœur de Lion.' He passionately loved glory, chiefly military glory; and as his conduct in the field was not inferior to his valour, he seems to have possessed every talent necessary for acquiring it. His resentments also were high, his pride unconquerable, and his subjects as well as his neighbours, had therefore reason to apprehend, from the continuance of his reign, a perpetual scene of blood and violence. Of an impetuous and vehement spirit, he was distinguished by all the good as well as the bad qualities incident to that character; he was open, frank, generous, sincere, and brave; he was revengeful, domineering, ambitious, haughty, and cruel; and was thus better calculated to dazzle men by the splendour of his enterprises, than either to promote their happiness or his own grandeur by a sound and well regulated policy. As military talents make great impressions on the people, he seems to have been much beloved by his English subjects, and he is remarked to have been the first prince of the Norman line that bore any sincere regard to them. He passed however only four months of his reign in that kingdom; the crusade employed him near three years, he was detained about fourteen months in captivity; the rest of his reign was spent either in war, or preparations for war, against France; and he was so pleased with the fame he had acquired in the East, that he determined, notwithstanding his past misfortunes, to have further exhausted his kingdom, and to have exposed himself to new hazards, by conducting another expedition against the infidels.

Though the English pleased themselves with the glory which the king's martial genius procured them, his reign was very oppressive and somewhat arbitrary, by the high taxes which he *levied* on them, and often without consent of the states or general council. In the ninth

<sup>1</sup> Hoveden, p. 791, Brompton, p. 1277; Knyghton, p. 2413.

year of his reign, he levied five shillings on each hide of land; and because the clergy refused to contribute their share, he put them out of the protection of law, and ordered the civil courts to give them no sentence for any debts which they might claim (Hoveden, p. 743; Tyrrel, vol. ii., p. 563). Twice in his reign he ordered all his charters to be sealed anew, and parties to pay fees for the renewal (Prynne's Chron. Vindic., tom. i., p. 1133). It is said that Hubert, his justiciary, sent him over to France in the space of two years, no less a sum than 1,100,000 marks, besides bearing all the charges of the government in England. But this account is quite incredible, unless we suppose that Richard made a thorough dilapidation of the demesnes of the crown, which it is not likely he could do with any advantage after his former resumption of all grants. A king, who possessed such a revenue, could never have endured fourteen months captivity for not paying 150,000 marks to the emperor, and be obliged at last to leave hostages for a third of the sum. The prices of commodities in this reign are also a certain proof that no such enormous sum could be levied on the people. A hide of land, or about a hundred and twenty acres, was commonly let at twenty shillings a year, money of that time. As there were 243,600 hides in England, it is easy to compute the amount of all the landed rents of the kingdom. The general and stated price of an ox was four shillings; of a labouring horse the same, of a sow, one shilling; of a sheep with fine wool, ten pence, with coarse wool, sixpence (Hoveden, p. 745). These commodities seem not to have advanced in their prices since the conquest,<sup>1</sup> and to have still been ten times cheaper than at present.

Richard renewed the severe laws against transgressors in his forests, whom he punished by castration and putting out their eyes, as in the reign of his great-grandfather. He established by law one weight and measure throughout his kingdom;<sup>2</sup> a useful institution, which the mercenary disposition and necessities of his successor engaged him to dispense with for money.

The disorders in London, derived from its bad police, had risen to a great height during this reign; and in the year 1196, there seemed to be formed so regular a conspiracy among the numerous malefactors, as threatened the city with destruction. There was one William Fitz-Osbert, commonly called 'Longbeard,' a lawyer, who had rendered himself extremely popular among the lower rank of citizens; and by defending them on all occasions, had acquired the appellation of the advocate or saviour of the poor. He exerted his authority by injuring and insulting the more substantial citizens, with whom he lived in a state of hostility, and who were every moment exposed to the most outrageous violences from him and his licentious emissaries. Murders were daily committed in the streets, houses were broken open and

<sup>1</sup> Madox, in his *Baronia Anglica*, cap. xiv, tells us, that in the 30th of Henry II, 33 cows and 2 bulls cost but 8*l* 7*s*, money of that age, 500 sheep, 22*l* 10*s*, or about 10*sd* per sheep, 66 oxen, 18*l* 3*s*, 15 breeding mares, 2*l* 12*s* 6*d*, and 22 hogs, 22*s*. Commodities seem then to have been about ten times cheaper than at present, all except the sheep, probably on account of the value of the fleece. The same author in his *Formulæ Anglicanum*, p. 17, says, That in the tenth year of Rich. I, mention is made of ten per cent. paid for money, but the Jews frequently exacted higher interest.

<sup>2</sup> M. Paris, p. 109, 134, Trivet, p. 127, Annal Waverl, p. 165, Hoveden, p. 774.

pillaged in daylight, and it is pretended that no less than 52,000 persons had entered into an association, by which they bound themselves to obey all the orders of this dangerous ruffian. Archbishop Hubert, who was then chief justiciary, summoned him before the council to answer for his conduct; but he came so well attended, that no one durst accuse him or give evidence against him, and the primate finding the impotence of law, contented himself with exacting from the citizens hostages for their good behaviour. He kept, however, a watchful eye on Fitz-Osbert, and seizing a favourable opportunity, attempted to commit him to custody; but the criminal, murdering one of the public officers, escaped with his concubine to the church of St. Mary-le-Bow, where he defended himself by force of arms. He was at last forced from his retreat, condemned and executed, amidst the regrets of the populace, who were so devoted to his memory, that they stole his gibbet, paid the same veneration to it as to the cross, and were equally zealous in propagating and attesting reports of the miracles wrought by it.<sup>1</sup> But though the sectaries of this superstition were punished by the justiciary (Gervase, p. 1551), it received so little encouragement from the established clergy, whose property was endangered by such seditious practices, that it suddenly sunk and vanished.

It was during the crusades that the custom of using coats of arms was first introduced into Europe. The knights, cased in armour, had no way to make themselves be known and distinguished in battle, but by the devices on their shields; and these were gradually adopted by their posterity and families, who were proud of the pious and military enterprises of their ancestors.

King Richard was a passionate lover of poetry; there even remain some poetical works of his composition; and he bears a rank among the Provençal poets or troubadours, who were the first of the modern Europeans that distinguished themselves by attempts of that nature.

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## CHAPTER XI.

### JOHN.

*Accession of the king.—His marriage.—War with France.—Murder of Arthur, Duke of Brittany.—The king expelled the French provinces.—The king's quarrel with the court of Rome.—Cardinal Langton appointed Archbishop of Canterbury.—Interdict of his kingdom.—Excommunication of the king.—The king's submission to the Pope.—Discontents of the barons.—Insurrection of the barons.—Magna Charta.—Renewal of the civil wars.—Prince Lewis called over.—Death—and character of the king.*

THE noble and free genius of the ancients, which made the government of a single person be always regarded as a species of tyranny and usurpation, and kept them from forming any conception of a legal and regular monarchy, had rendered them entirely ignorant both of

<sup>1</sup> Hoveden, p. 765, Diceto, p. 691, Neubrig, p. 492, 493.

the rights of primogeniture and a representation in succession; inventions so necessary for preserving order in the lines of princes, for obviating the evils of civil discord and of usurpation, and for begetting moderation in that species of government, by giving security to the ruling sovereign. These innovations arose from the feudal law; which, first introducing the right of primogeniture, made such a distinction between the families of the elder and younger brothers, that the son of the former was thought entitled to succeed to his grandfather, preferably to his uncles, though nearer allied to the deceased monarch. But though this progress of ideas was natural, it was gradual. In the age of which we treat, the practice of representation was indeed introduced, but not thoroughly established; and the minds of men fluctuated between opposite principles. Richard, when he entered on the holy war, declared his nephew, Arthur, Duke of Brittany, his successor; and by a formal deed he set aside in his favour, the title of his brother John, who was younger than Geoffrey, the father of that prince.<sup>1</sup> But John so little acquiesced in that destination, that when he gained the ascendant in the English ministry, by expelling Longchamp, the chancellor and great justiciary, he engaged all the English barons to swear that they would maintain his right of succession; and Richard, on his return, took no steps towards restoring or securing the order which he had at first established. He was even careful, by his last will, to declare his brother John heir to all his dominions (Hoveden, p. 791; Trivet, p. 138); whether that he now thought Arthur, who was only twelve years of age incapable of asserting his claim against John's faction, or was influenced by Eleanor, the queen-mother, who hated Constantia, mother of the young duke, and who dreaded the credit which that princess would naturally acquire if her son should mount the throne. The authority of a testament was great in that age, even when the succession of a kingdom was concerned; and John had reason to hope that this title, joined to his plausible right in other respects, would insure him the succession. But the idea of representation seems to have made at this time greater progress in France than in England; the barons of the transmarine provinces, Anjou, Maine, and Touraine, immediately declared in favour of Arthur's title, and applied for assistance to the French monarch as their superior lord. Philip, who desired only an occasion to embarrass John, and dismember his dominions, embraced the cause of the young Duke of Brittany, took him under his protection, and sent him to Paris to be educated along with his own son Lewis.<sup>2</sup> In this emergency, John hastened to establish his authority in the chief members of the monarchy, and after sending Eleanor into Poictou and Guienne, where her right was incontestable, and was readily acknowledged, he hurried to Rouen, and having secured the duchy of Normandy, he passed over without loss of time to England. Hubert, Archbishop of Canterbury, William Mareschal, Earl of Strigul, who also passes by the name of Earl of Pembroke, and Geoffrey Fitz-Peter, the justiciary, the three most favoured ministers of the late king, were already en-

<sup>1</sup> Hoveden, p. 677, M Paris, p. 112; Chron de Dunst., p. 43, Rymer, vol. 1, p. 66, 68; Bened. Abb., p. 619.

<sup>2</sup> Hoveden, p. 792, M Paris, p. 137, M West, p. 263, Knyghton, p. 2414.

gaged on his side (Hoveden, p. 793; M. Paris, p. 137), and the submission or acquiescence of all the other barons put him, without opposition, in possession of the throne.

The king soon returned to France, in order to conduct the war against Philip, and to recover the revolted provinces from his nephew, Arthur. The alliances which Richard had formed with the Earl of Flanders<sup>1</sup> and other potent French princes, though they had not been very effectual, still subsisted, and enabled John to defend himself against all the efforts of his enemy. In an action between the French and Flemings, the elect Bishop of Cambrai was taken prisoner by the former; and when the Cardinal of Capua claimed his liberty, Philip, instead of complying, reproached him with the weak efforts which he had employed in favour of the Bishop of Beauvais, who was in a like condition. The legate, to show his impartiality, laid at the same time the kingdom of France and the duchy of Normandy under an interdict, and the two kings found themselves obliged to make an exchange of these military prielates.

Nothing enabled the king to bring (A.D. 1200) this war to a happy issue so much as the selfish, intriguing character of Philip, who acted in the provinces that had declared for Arthur, without any regard to the interests of that prince. Constantia, seized with a violent jealousy that he intended to usurp the entire dominion of them (Hoveden, p. 795), found means to carry off her son secretly from Paris; she put him into the hands of his uncle; restored the provinces which had adhered to the young prince, and made him do homage for the duchy of Brittany, which was regarded as a fief of Normandy. From this incident, Philip saw that he could not hope to make any progress against John; and being threatened with an interdict on account of his irregular divorce from Ingelburga, the Danish princess, whom he had espoused, he became desirous of concluding a peace with England. After some fruitless conferences, the terms were at last adjusted; and the two monarchs seemed in this treaty to have an intention, besides ending the present quarrel, of preventing all future causes of discord, and of obviating every controversy which could hereafter arise between them. They adjusted the limits of all their territories; mutually secured the interests of their vassals; and to render the union more durable, John gave his niece, Blanche of Castile, in marriage to Prince Lewis, Philip's eldest son, and with her the baronies of Issoudun and Graçai, and other fiefs in Bern. Nine barons of the King of England, and as many of the King of France, were guarantees of this treaty; and all of them swore, that if their sovereign violated any article of it, they would declare themselves against him, and embrace the cause of the injured monarch.<sup>2</sup>

John, now secure, as he imagined, on the side of France, indulged his passion for Isabella, the daughter and heir of Aymar Taillefer, Count of Angouleme, a lady with whom he had become much enamoured. His queen, the heiress of the family of Gloucester, was still alive; Isabella was married to the Count de la Marche, and was

<sup>1</sup> Rymer, vol. i, p. 224, Hoveden, p. 794, M. Paris, p. 138.

<sup>2</sup> Norman. Duchesne, p. 1055, Rymer, vol. i, p. 227, 228, 229, Hoveden, p. 824; Chron. Dunst., vol. 1., p. 47.

already consigned to the care of that nobleman; though, by reason of her tender years, the marriage had not been consummated. The passion of John made him overlook all these obstacles; he persuaded the Count of Angouleme to carry off his daughter from her husband; and having, on some pretence or other, procured a divorce from his own wife, he espoused Isabella; regardless both of the menaces of the Pope, who exclaimed against these irregular proceedings, and of the resentment of the injured count, who soon found means of punishing his powerful and insolent rival.

John had not the art of attaching his barons either by affection or by fear. The Count de la Marche and his brother, the Count d'Eu, taking (A.D. 1201) advantage of the general discontent against him, excited commotions in Poitou and Normandy; and obliged the king to have recourse to arms in order to suppress the insurrection of his vassals. He summoned together the barons of England and required them to pass the sea under his standard, and to quell the rebels. He found that he possessed as little authority in that kingdom as in his transmarine provinces. The English barons unanimously replied that they would not attend him on this expedition, unless he would promise to restore and preserve their privileges (Annal Burton., p. 262) the first symptom of a regular association and plan of liberty among those noblemen. But affairs were not yet fully ripe for the revolution projected. John, by menacing the barons, broke the concert; engaged many of them to follow him into Normandy, and obliged the rest, who stayed behind, to pay him a scutage of two marks on each knight's fee, as the price of their exemption from the service.

The force which John carried abroad with him, and that which joined him in Normandy, rendered him much superior to his malcontent barons, and so much the more as Philip did not publicly give them any countenance, and seemed as yet determined to persevere steadily in the alliance which he had contracted with England. But the king, elated with his superiority, advanced claims which gave an universal alarm to his vassals, and diffused still wider the general discontent. As the jurisprudence of those times required that the causes in the lord's court should chiefly be decided by duel, he carried along with him certain bravos whom he retained as champions, and whom he destined to fight with his barons in order to determine any controversy which he might raise against them (Ibid.) The Count de la Marche and other noblemen regarded this proceeding as an affront, as well as injury, and declared that they would never draw their sword against men of such inferior quality. The king menaced them with vengeance, but he had not vigour to employ against them the force in his hands, or to prosecute the injustice by crushing the nobles who opposed it.

This government, equally feeble and violent, gave the injured barons courage as well as inclination to carry further their opposition. They appealed to the King of France; complained of the denial of justice in John's court; demanded redress from him as their superior lord; and entreated him to employ his authority and prevent their final ruin and oppression. Philip perceived his advantage, opened his mind to great projects, interposed in behalf of the French barons, and began to talk in a high and menacing style to the King of England. John, who could not



disavow Philip's authority, replied that it belonged to himself first to grant them a trial by their peers in his own court, it was not till he failed in this duty that he was answerable to his peers in the supreme court of the French king (Philipp, lib. vi), and he promised, by a fair and equitable judicature, to give satisfaction to his barons. When the nobles, in consequence of this engagement, demanded a safe conduct that they might attend his court, he at first refused it, upon the renewal of Philip's menaces he promised to grant their demand, he violated this promise, fresh menaces extorted from him a promise to surrender to Philip the fortresses of Tillieres and Boutavant, as a security for performance; he again violated this engagement, his enemies, sensible both of his weakness and want of faith, combined still closer in the resolution of pushing him to extremities; and a new and powerful ally soon appeared to encourage them in their invasion of this odious and despicable government.

The young Duke of Brittany, who was now (A.D. 1203) rising to man's estate, sensible of the dangerous character of his uncle, determined to seek both his security and elevation by an union with Philip and the malcontent barons. He joined the French army which had begun hostilities against the King of England, he was received with great marks of distinction by Philip; was knighted by him, espoused his daughter Mary, and was invested not only in the duchy of Brittany, but in the counties of Anjou and Maine, which he had formerly resigned to his uncle (Trivet, p. 142). Every attempt succeeded with the allies. Tillieres and Boutavant were taken by Philip after making a feeble defence, Mortimar and Lyons fell into his hands almost without resistance. That prince next invested Gournai, and opening the sluices of a lake which lay in the neighbourhood, poured such a torrent of water into the place, that the garrison deserted it, and the French monarch, without striking a blow, made himself master of that important fortress. The progress of the French arms was rapid, and promised more considerable success than usually in that age attended military enterprises. In answer to every advance which the king made towards peace, Philip still insisted that he should resign all his transmarine dominions to his nephew, and rest contented with the kingdom of England; when an event happened which seemed to turn the scales in favour of John, and to give him a superiority over his enemies.

Young Arthur, fond of military renown, had broken into Poitou at the head of a small army, and passing near Muebeau, he heard that his grandmother, Queen Eleanor, who had always opposed his interests, was lodged in that place, and was protected by a weak garrison, and ruinous fortifications (Ann. Waverl., p. 167; M. West, p. 264). He immediately determined to lay siege to the fortress and make himself master of her person, but John, roused from his indolence by so pressing an occasion, collected an army of English and Bretons, and advanced from Normandy with hasty marches to the relief of the queen-mother. He fell on Arthur's camp before that prince was aware of the danger; dispersed his army, took him prisoner, together with the Count de la Marche, Geoffrey de Lusignan, and the most considerable of the revolted barons, and returned in triumph to Normandy (Ann. Marg., p. 213; M. West, p. 264). Philip, who was lying before

Arques in that duchy, raised the siege, and retired (M. West., p. 264). The greater part of the prisoners were sent over to England; but Arthur was (Aug. 1) shut up in the castle of Falaise.

The king had here a conference with his nephew; represented to him the folly of his pretensions, and required him to renounce the French alliance which had encouraged him to live in a state of enmity with all his family. But the brave, though imprudent youth, rendered more haughty from misfortunes, maintained the justice of his cause; asserted his claim not only to the French provinces, but to the crown of England; and, in his turn, required the king to restore the son of his elder brother to the possession of his inheritance (Ibid.). John, sensible from these symptoms of spirit that the young prince, though now a prisoner, might hereafter prove a dangerous enemy, determined to prevent all future peril by despatching his nephew, and Arthur was never more heard of. The circumstances which attended this deed of darkness were no doubt carefully concealed by the actors, and are variously related by historians; but the most probable account is as follows.—The king, it is said, first proposed to William de la Bray, one of his servants, to despatch Arthur; but William replied that he was a gentleman, not a hangman, and he positively refused compliance. Another instrument of murder was found, and was despatched with proper orders to Falaise; but Hubert de Bourg, chamberlain to the king, and constable of the castle, feigning that he himself would execute the king's mandate, sent back the assassin, spread the report that the young prince was dead, and publicly performed all the ceremonies of his interment, but finding that the Bretons vowed revenge for the murder, and that all the revolted barons persevered more obstinately in their rebellion, he thought it prudent to reveal the secret, and to inform the world that the Duke of Brittany was still alive and in his custody. This discovery proved fatal to the young prince. John first removed him to the castle of Rouen, and coming in a boat during the night-time to that place, commanded Arthur to be brought forth to him. The young prince, aware of his danger, and now more subdued by the continuance of his misfortunes, and by the approach of death, threw himself on his knees before his uncle, and begged for mercy. But the tyrant, making no reply, stabbed him with his own hands, and fastening a stone to the dead body, threw it into the Seine.

All men were struck with horror at this inhuman deed; and from that moment the king, detested by his subjects, retained a very precarious authority over both the people and the barons in his dominions. The Bretons enraged at this disappointment in their fond hopes, waged implacable war against him, and fixing the succession of their government, put themselves in a posture to revenge the murder of their sovereign. John had got into his power his niece, Eleanor, sister to Arthur, commonly called the Damsel of Brittany; and carrying her over to England, detained her ever after in captivity.<sup>1</sup> But the Bretons, in despair of recovering this princess, chose Alice for their sovereign; a younger daughter of Constantia, by her second marriage with Guy de Thoulars, and they entrusted the government of the duchy to that nobleman. The states of Brittany meanwhile carried their complaints

<sup>1</sup> Trivet. v. 245, T. Wykes, p. 36, Ypod. Neust., p. 459

before Philip as their liege lord, and demanded justice for the violence committed by John on the person of Arthur, so near a relation; who, notwithstanding the homage which he did to Normandy, was always regarded as one of the chief vassals of the crown. Philip received their application with pleasure; summoned John to stand a trial before him; and on his non-appearance, passed sentence, with the concurrence of the peers, upon that prince; declared him guilty of felony and parricide, adjudged him to forfeit to his superior lord all his seignories and fiefs in France.<sup>1</sup>

The King of France, whose ambitious and active spirit had been hitherto confined, either by the sound policy of Henry, or the martial genius of Richard, seeing now the opportunity favourable against this base and odious prince, embraced the project of expelling the English, or rather the English King, from France, and of annexing to the crown so many considerable fiefs, which, during several ages, had been dismembered from it. Many of the other great vassals, whose jealousy might have interposed, and have obstructed the execution of this project, were not at present in a situation to oppose it; and the rest either looked on with indifference, or gave their assistance to this dangerous aggrandisement of their superior lord. The Earls of Flanders and Blois were engaged in the holy war; the Count of Champagne was an infant, and under the guardianship of Philip, the duchy of Brittany, enraged at the murder of their prince, vigorously promoted all his measures, and the general defection of John's vassals made every enterprise easy and successful against him. Philip, after taking several castles and fortresses beyond the Loire, which he either garrisoned or dismantled, received the submissions of the Count of Alençon, who deserted John, and delivered up all the places under his command to the French, upon which Philip broke up his camp, in order to give the troops some repose after the fatigues of the campaign. John, suddenly collecting some forces, laid siege to Alençon; and Philip, whose dispersed army could not be brought together in time to succour it, saw himself exposed to the disgrace of suffering the oppression of his friend and confederate. But his active and fertile genius found an expedient against this evil. There was held at that very time a tournament at Moret, in the Gatinois; whither all the chief nobility of France and the neighbouring countries had resorted, in order to signalize their prowess and address. Philip presented himself before them; craved their assistance in his distress; and pointed out the plans of Alençon, as the most honourable field in which they could display their generosity and martial spirit. Those valorous knights vowed that they would take vengeance on the base parricide, the stain of arms and of chivalry; and putting themselves, with all their retinue, under the command of Philip, instantly marched to raise the siege of Alençon. John, hearing of their approach, fled from before the place, and abandoned all his tents, machines, and baggage, to the enemy.

This feeble effort was the last exploit of that slothful and cowardly prince for the defence of his dominions. He thenceforth remained in total inactivity at Rouen; passing all his time with his young wife, in pastimes and amusements, as if his state had been in the most pro-

<sup>1</sup> W. Heming, p. 455, M. West, p. 264; Knyghton, p. 2420.

found tranquillity, or his affairs in the most prosperous condition. If he ever mentioned war, it was only to give himself vaunting airs, which, in the eyes of all men, rendered him still more despicable and ridiculous. 'Let the French go on,' said he, 'I will retake in a day what it 'has cost them years to acquire' (M. Paris, p. 146; M. West., p. 266). His stupidity and indolence appeared so extraordinary, that the people endeavoured to account for the infatuation by sorcery, and believed that he was thrown into this lethargy by some magic or witchcraft. The English barons, finding that their time was wasted to no purpose, and that they must suffer the disgrace of seeing, without resistance, the progress of the French arms, withdrew from their colours, and secretly returned to their own country (M. Paris, p. 146). No one thought of defending a man who seemed to have deserted himself; and his subjects regarded his fate with the same indifference, to which, in this pressing exigency, they saw him totally abandoned.

John, while he neglected all domestic resources, had the meanness to betake himself to a foreign power, whose protection he claimed; he applied to the Pope, Innocent III, and entreated him to interpose his authority between him and the French monarch. Innocent, pleased with any occasion of exerting his superiority, sent Philip orders to stop the progress of his arms, and to make peace with the King of England. But the French barons received the message with indignation, disclaimed the temporal authority assumed by the pontiff; and vowed that they would, to the uttermost, assist their prince against all his enemies. Philip, thus seconded, proceeded, instead of obeying the Pope's envoys, to lay siege to Chateau Gaillard, the most considerable fortress which remained to guard the frontiers of Normandy.

Chateau Gaillard was situated partly on an island in the river Seine, partly on a rock opposite to it; and was secured by every advantage which either art or nature could bestow upon it. The late king having cast his eye on this favourable situation, had spared no labour or expense in fortifying it; and it was (A.D. 1204) defended by Roger de Laci, constable of Chester, a determined officer, at the head of a numerous garrison. Philip, who despaired of taking the place by force, purposed to reduce it by famine; and that he might cut off its communication with the neighbouring country, he threw a bridge across the Seine, while he himself with his army blockaded it by land. The Earl of Pembroke, the man of greatest vigour and capacity in the English court, formed a plan for breaking through the French entrenchments, and throwing relief into the place. He carried with him an army of 4000 infantry and 3000 cavalry, and suddenly attacked with great success Philip's camp in the night-time, having left orders that a fleet of seventy flat-bottomed vessels should sail up the Seine, and fall at the same instant on the bridge. But the wind and the current of the river by retarding the vessels, disconcerted this plan of operations; and it was morning before the fleet appeared, when Pembroke, though successful in the beginning of the action, was already repulsed with considerable loss, and the King of France had leisure to defend himself against these new assailants, who also met with a repulse. After this misfortune, John made no further efforts for the relief of Chateau Gaillard; and Philip had all the leisure requisite for conduct-

ing and finishing the siege Roger de Laci defended himself for a twelvemonth with great obstinacy, and having bravely repelled every attack, and patiently borne all the hardships of famine, he was at last overpowered by a sudden assault in the night-time, and made prisoner of war, with his garrison<sup>1</sup>. Philip, who knew how to respect valour even in an enemy, treated him with civility, and gave him the whole city of Paris for the place of his confinement.

When the bulwark of Normandy was once subdued, all the province lay open to the inroads of Philip, and the King of England despaired of being any longer able to defend it. He secretly prepared vessels for a scandalous flight; and that the Normans might no longer doubt of his resolution to abandon them, he ordered the fortifications of Pont de l'Arche, Moulineaux, and Montfort l'Amaury to be demolished. Not daring to repose confidence in any of his barons, whom he believed to be universally engaged in a conspiracy against him, he entrusted the government of the province to Archas Martin and Lupicaire, two mercenary Brabançons, whom he had retained in his service. Philip, now secure of his prey, pushed his conquests with vigour and success against the dismayed Normans. Falaise was first besieged; and Lupicaire, who commanded in this impregnable fortress, after surrendering the place, enlisted himself with his troops in the service of Philip, and carried on hostilities against his ancient master. Caen, Coutance, Seez, Evreux, Baieux soon fell into the hands of the French monarch, and all the lower Normandy was reduced under his dominion. To forward his enterprises on the other division of the province, Gui de Thouars, at the head of the Bretons, broke into the territory, and took Mount St. Michael, Avranches, and all the other fortresses in that neighbourhood. The Normans, who abhorred the French yoke, and who would have defended themselves to the last extremity if their prince had appeared to conduct them, found no resource but in submission; and every city opened its gates, as soon as Philip appeared before it. Rouen alone, Arques, and Verneuil determined to maintain their liberties, and (A.D. 1205) formed a confederacy for mutual defence. Philip began with the siege of Rouen: the inhabitants were so inflamed with hatred to France, that on the appearance of his army, they fell on all the natives of that country, whom they found within their walls, and put them to death. But after the French king had begun his operations with success, and had taken some of their outworks, the citizens, seeing no resource, offered to capitulate; and demanded only thirty days to advertise their prince of their danger, and to require succours against the enemy. Upon the expiration of the term, as no supply had arrived, they (June 1st) opened their gates to Philip (Trivet, p. 147; Ypod. Neust., p. 459), and the whole province soon after imitated the example, and submitted to the victor. Thus was this important territory reunited to the crown of France, about three centuries after the cession of it by Charles the Simple to Rollo, the first Duke; and the Normans, sensible that this conquest was probably final, demanded the privilege of being governed by French laws, which Philip, making a few alterations on the ancient Norman customs, readily granted them. But the French monarch had too much ambition and genius to stop in

<sup>1</sup> Trivet, p. 144, Gul. Britto, lib. vii, Ann. Waverl., p. 168.

his present career of success. He carried his victorious army into the western provinces; soon reduced Anjou, Maine, Touraine, and part of Poitou (Trivet, p. 149); and in this manner, the French crown, during the reign of one able and active prince, received such an accession of power and grandeur, as, in the ordinary course of things, it would have required several ages to attain.

John, on his arrival in England, that he might cover the disgrace of his own conduct, exclaimed loudly against his barons, who, he pretended, had deserted his standard in Normandy; and he arbitrarily extorted from them a seventh of all their moveables, as a punishment for the offence (M. Paris, p. 146; M. West, p. 265). Soon after he forced them to grant him a scutage of two marks and a half on each knight's fee for an expedition into Normandy; but he did not attempt to execute the service for which he pretended to exact it. Next year, he summoned all the barons of his realm to attend him on this foreign expedition, and collected ships from all the sea-ports; but meeting with opposition from some of his ministers, and abandoning his design, he dismissed both fleet and army, and then renewed his exclamations against the barons for deserting him. He next put to sea with a small army, and his subjects believed that he was resolved to expose himself to the utmost hazard for the defence and recovery of his dominions. but they were surprised, after a few days, to see him return again into harbour, without attempting anything. In the subsequent season, he had the courage to carry his hostile measures a step farther. Gui de Thouars, who governed Brittany, jealous of the rapid progress made by his ally, the French king, promised to join the King of England with all his forces; and John ventured abroad with a considerable army, and landed at Rochelle. He marched to Angers; which he took and reduced to ashes. But the approach of Philip with an army threw him into a panic, and he immediately made proposals for peace, and fixed a place of interview with his enemy; but instead of keeping this engagement, he stole off with his army, embarked at Rochelle, and returned, loaded with new shame and disgrace, into England. The mediation of the Pope procured him at last a truce for two years with the French monarch (Rymer, vol. 1., p. 141); almost all the transmarine provinces were ravished from him, and his English barons, though harassed with arbitrary taxes and fruitless expeditions, saw their country baffled and affronted in every enterprise.

In an age when personal valour was regarded as the chief accomplishment, such conduct as that of John, always disgraceful, must be exposed to peculiar contempt; and he must thenceforth have expected to rule his turbulent vassals with a very doubtful authority. But the government, exercised by the Norman princes, had wound up the royal power to so high a pitch, and so much beyond the usual tenor of the feudal constitutions, that it still behoved him to be debased by new affronts and disgraces, ere his barons could entertain the view of conspiring against him, in order to trench his prerogatives. The Church, which at that time declined not a contest with the most powerful and most vigorous monarchs, took first advantage of John's imbecility, and with the most aggravating circumstances of insolence and scorn, fixed her yoke upon him.

The papal chair was (A D 1207) filled by Innocent III, who having attained that dignity at the age of thirty-seven years, and being endowed with a lofty and enterprising genius, gave full scope to his ambition, and attempted, perhaps more openly than any of his predecessors, to convert that superiority which was yielded him by all the European princes, into a real dominion over them. The hierarchy, protected by the Roman pontiff, had already carried to an enormous height its usurpations upon the civil power, but in order to extend them farther, and render them useful to the court of Rome, it was necessary to reduce the ecclesiastics themselves under an absolute monarchy, and to make them entirely dependent on their spiritual leader. For this purpose, Innocent first attempted to impose taxes at pleasure upon the clergy; and in the first year of this century, taking advantage of the popular frenzy for crusades, he sent collectors over all Europe, who levied by his authority the fortieth of all ecclesiastical revenues for the relief of the Holy Land, and received the voluntary contributions of the laity to a like amount (Rymer, vol 1, p 119). The same year Hubert, Archbishop of Canterbury, attempted another innovation, favourable to ecclesiastical and papal power; in the king's absence, he summoned by his legantine authority, a synod of all the English clergy, contrary to the inhibition of Geoffrey Fitz-Peter, the chief justiciary, and no proper censure was ever passed on this encroachment, the first of the kind upon the royal power. But a favourable incident soon after happened, which enabled so aspiring a pontiff as Innocent, to extend still farther his usurpations on so contemptible a prince as John.

Hubert, the primate, died in 1205; and as the monks or canons of Christ Church, Canterbury, possessed a right of voting in the election of their archbishop, some of the juniors of the order, who lay in wait for that event, met clandestinely the very night of Hubert's death; and without any congé d'elire from the king, chose Reginald, their sub-prior, for the successor; installed him in the archiepiscopal throne before midnight; and having enjoined on him the strictest secrecy, sent him immediately to Rome, in order to solicit the confirmation of his election (M. Paris, p. 148; M. West, p. 266). The vanity of Reginald prevailed over his prudence, and he no sooner arrived in Flanders, than he revealed to every one the purpose of his journey, which was immediately known in England (Ibid). The king was enraged at the novelty and temerity of the attempt, in filling so important an office without his knowledge or consent; the suffragan bishops of Canterbury, who were accustomed to concur in the choice of their primate, were no less displeased at the exclusion given them in this election; the senior monks of Christ Church were injured by the irregular proceedings of their juniors; the juniors themselves ashamed of their conduct, and disgusted with the levity of Reginald, who had broken his engagements with them, were willing to set aside his election (M. West, p. 266); and all men concurred in the design of remedying the false measures which had been taken. But as John knew that this affair would be canvassed before a superior tribunal, where the interposition of royal authority in bestowing ecclesiastical benefices was very invidious; where even the cause of suffragan bishops was not so favour-

able as that of monks, he determined to make the new election entirely unexceptionable; he submitted the affair wholly to the canons of Christ Church; and departing from the right claimed by his predecessors, ventured no farther than to inform them privately, that they would do him an acceptable service if they chose John de Gray, Bishop of Norwich, for their primate (M. Paris, p. 149; M. West, p. 266). The election of that prelate was accordingly made without a contradictory vote; and the king, to obviate all contests, endeavoured to persuade the suffragan bishops not to insist on their claim of concurring in the election; but those prelates, persevering in their pretensions, sent an agent to maintain their cause before Innocent, while the king and the convent of Christ Church despatched twelve monks of that order, to support before the same tribunal the election of the Bishop of Norwich.

Thus there lay three different claims before the Pope, whom all parties allowed to be the supreme arbiter in the contest. The claim of the suffragans being so opposite to the usual maxims of the papal court, was soon set aside; the election of Reginald was so obviously fraudulent and irregular, that there was no possibility of defending it; but Innocent maintained, that though this election was null and invalid, it ought previously to have been declared such by the sovereign pontiff, before the monks could proceed to a new election, and that the choice of the Bishop of Norwich was of course as uncanonical as that of his competitor (M. Paris, p. 155; Chron. de Mailr., p. 182). Advantage was therefore taken of this subtlety for introducing a precedent, by which the see of Canterbury, the most important dignity in the Church after the papal throne, should ever after be at the disposal of the court of Rome.

While the Pope maintained so many fierce contests, in order to wrest from princes the right of granting investitures, and to exclude laymen from all authority in conferring ecclesiastical benefices, he was supported by the united influence of the clergy, who, aspiring to independence, fought with all the ardour of ambition, and all the zeal of superstition, under his sacred banners. But no sooner was this point, after a great effusion of blood, and the convulsions of many states, established in some tolerable degree, than the victorious leader, as is usual, turned his arms against his own community, and aspired to centre all power in his person. By the invention of reserves, provisions, commendams, and other devices, the Pope gradually assumed the right of filling vacant benefices, and the plenitude of his apostolic power, which was not subject to any limitations, supplied all defects of title in the person on whom he bestowed preferment. The canons which regulated elections were purposely rendered intricate and involved; frequent disputes arose among candidates; appeals were every day carried to Rome, the apostolic see, besides reaping pecuniary advantages from these contests, often exercised the power of setting aside both the litigants, and, on pretence of appeasing faction, nominated a third person, who might be more acceptable to the contending parties.

The present controversy about the election to the see of Canterbury afforded Innocent an opportunity of claiming this right, and he failed



not to perceive and avail himself of the advantage. He sent for the twelve monks deputed by the convent to maintain the cause of the Bishop of Norwich, and commanded them under the penalty of excommunication, to choose for their primate Cardinal Langton, an Englishman by birth, but educated in France, and connected by his interests and attachments with the see of Rome<sup>1</sup>. In vain did the monks represent, that they had received from their convent no authority for this purpose, that an election, without a previous writ from the king, would be deemed highly irregular; and that they were merely agents for another person, whose right they had no power or pretence to abandon. None of them had the courage to persevere in this opposition except one, Elias de Brantefield; all the rest, overcome by the menaces and authority of the Pope, complied with his orders, and made the election required of them.

Innocent, sensible that this flagrant usurpation would be highly resented by the court of England, wrote John a mollifying letter; sent him four golden rings set with precious stones, and endeavoured to enhance the value of the present, by informing him of the many mysteries implied in it. He begged him to consider seriously the form of the rings, their number, their matter, and their colour. Their form, he said, being round, shadowed out eternity, which had neither beginning nor end, and he ought thence to learn his duty of aspiring from earthly objects to heavenly, from things temporal to things eternal. The number four, being a square, denoted steadiness of mind, not to be subverted either by adversity or prosperity, fixed for ever on the firm basis of the four cardinal virtues. Gold, which is the matter, being the most precious of metals, signified wisdom, which is the most valuable of all accomplishments, and justly preferred by Solomon to riches, power, and all exterior attainments. The blue colour of the sapphire represented faith; the verdure of the emerald, hope; the redness of the ruby, charity; and the splendour of the topaz, good works (Rymer, vol. 1, p. 139; M. Paris, p. 155). By these conceits, Innocent endeavoured to repay John for one of the most important prerogatives of his crown, which he had ravished from him; conceits probably admired by Innocent himself; for it is easily possible for a man, especially in a barbarous age, to unite strong talents for business with an absurd taste for literature and the arts.

John was inflamed with the utmost rage when he heard of this attempt of the court of Rome (Rymer, vol. 1, p. 143), and he immediately vented his passion on the monks of Christ Church, whom he found inclined to support the election made by their fellows at Rome. He sent Fulk de Cantelupe, and Henry de Cornhulle, two knights of his retinue, men of violent tempers and rude manners, to expel them the convent, and take possession of their revenues. These knights entered the monastery with drawn swords, commanded the prior and monks to depart the kingdom, and menaced them, that in case of disobedience, they would instantly burn them with the convent (M. Paris, p. 156; Trivet, p. 151; Ann. Waverl., p. 169). Innocent prognosticating, from the violence and imprudence of these measures, that John would finally sink in the contest, persevered the more vigorously in his pretensions,

<sup>1</sup> M. Paris, p. 155; Ann. Waverl., p. 169, W. Heming, p. 553; Knyghton, p. 245.

and exhorted the king not to oppose God and the Church any longer, nor to prosecute that cause for which the holy martyr St. Thomas had sacrificed his life, and which had exalted him equal to the highest saints in heaven (M. Paris, p. 157). A clear hint to John to profit by the example of his father, and to remember the prejudices and established principles of his subjects, who bore a profound veneration to that martyr, and regarded his merits as the subject of their chief glory and their exultation.

Innocent, finding that John was not sufficiently tamed to submission, sent three prelates, the Bishops of London, Ely, and Worcester, to intimate, that if he persevered in his disobedience, the sovereign pontiff would be obliged to lay the kingdom under an interdict (Ibid., p. 157). All the other prelates threw themselves on their knees before him, and entreated him, with tears in their eyes, to prevent the scandal of this sentence, by making a speedy submission to his spiritual father, by receiving from his hands the newly elected primate, and by restoring the monks of Christ Church to all their rights and possessions. He burst out into the most indecent invectives against the prelates, swore by God's teeth, his usual oath, that if the Pope presumed to lay his kingdom under an interdict, he would send to him all the bishops and clergy in England, and would confiscate all their estates; and threatened, that if thenceforth he caught any Romans in his dominions, he would put out their eyes and cut off their noses, in order to set a mark upon them which might distinguish them from all other nations (Ibid.) Amidst all this idle violence, John stood on such bad terms with his nobility that he never dared to assemble the states of the kingdom, who, in so just a cause, would probably have adhered to any other monarch, and have defended with vigour the liberties of the nation against these usurpations of the court of Rome. Innocent, therefore, perceiving the king's weakness, fulminated at last the sentence of interdict, which he had for some time held suspended over him.<sup>1</sup>

The sentence of interdict was at that time the great instrument of vengeance and policy employed by the court of Rome; was denounced against sovereigns for the lightest offences; and made the guilt of one person involve the ruin of millions, even in their spiritual and eternal welfare. The execution of it was calculated to strike the senses in the highest degree, and to operate with irresistible force on the superstitious minds of the people. The nation was of a sudden deprived of all exterior exercise of its religion, the altars were despoiled of their ornaments; the crosses, the relics, the images, the statues of the saints, were laid on the ground; and, as if the air itself were profaned, and might pollute them by its contact, the priests carefully covered them up, even from their own approach and veneration. The use of bells entirely ceased in all the churches, the bells themselves were removed from the steeples, and laid on the ground with the other sacred utensils. Mass was celebrated with shut doors, and none but the priests were admitted to that holy institution. The laity partook of no religious rite except baptism to new-born infants, and the communion to the dying. The dead were not interred in consecrated ground. They were thrown into ditches, or buried in common fields, and their obsequies

<sup>1</sup> M. Paris, p. 157. Trivet, p. 152, Ann. Waverl., p. 170, M. West, p. 268.

were not attended with prayers, or any hallowed ceremony. Marriage was celebrated in the churchyards (Chron. Dunst., vol. i., p. 51); and that every action in life might bear the marks of this dreadful situation, the people were prohibited the use of meat, as in Lent, or times of the highest penance; were debarred from all pleasures and entertainments; and were forbidden even to salute each other, or so much as to shave their beards, and to give any decent attention to their person and apparel. Every circumstance carried symptoms of the deepest distress, and of the most immediate apprehension of Divine vengeance and indignation.

The king, that he might oppose *his* temporal to *their* spiritual terrors, immediately, from his own authority, confiscated the estates of all the clergy who obeyed the interdict (Ann. Waverl., p. 170), banished the prelates, confined the monks in their convents, and gave them only such a small allowance from their own estates as would suffice to provide them with food and raiment. He treated with the utmost rigour all Langton's adherents, and every one that showed any disposition to obey the commands of Rome; and in order to distress the clergy in the tenderest point, and at the same time expose them to reproach and ridicule, he threw into prison all their concubines, and required high fines as the price of their liberty (Ann. Waverl., p. 170).

After the canons which established the celibacy of the clergy were, by the zealous endeavours of Archbishop Anselm, more rigorously executed in England, the ecclesiastics gave, almost universally and avowedly, into the use of concubinage; and the court of Rome, which had no interest in prohibiting this practice, made very slight opposition to it. The custom was become so prevalent, that in some cantons of Switzerland, before the reformation, the laws not only permitted, but, to avoid scandal, enjoined the use of concubines to the younger clergy (Padre Paolo, Hist. Conc. Trid., lib. 1); and it was usual everywhere for priests to apply to the ordinary, and obtain from him a formal liberty for this indulgence. The bishop commonly took care to prevent the practice from degenerating into licentiousness. He confined the priest to the use of one woman, required him to be constant to her bed, obliged him to provide for her subsistence and that of her children; and though the offspring was, in the eye of the law, deemed illegitimate, this commerce was really a kind of inferior marriage, such as is still practised in Germany among the nobles; and may be regarded by the candid as an appeal from the tyranny of civil and ecclesiastical institutions, to the more virtuous and unerring laws of nature.

The quarrel between the king and the see of Rome continued for some years; and though many of the clergy, from the fear of punishment, obeyed the orders of John and celebrated Divine service, they complied with the utmost reluctance, and were regarded, both by themselves and the people as men who betrayed their principles, and sacrificed their conscience to temporal regards and interests. During this violent situation, the king, in order to give a lustre to his government, attempted military expeditions against Scotland, against Ireland, and against the Welsh;<sup>1</sup> and he commonly prevailed, more from the weakness of his enemies than from his own vigour or abilities. Meanwhile,

<sup>1</sup> W. Heming, p. 556; Ypod. Neust., p. 460, Kayghton, p. 2420.

the danger to which his government stood continually exposed from the discontents of the ecclesiastics, increased his natural propension to tyranny; and he seems to have even wantonly disgusted all orders of men, especially his nobles, from whom alone he could reasonably expect support and assistance. He dishonoured their families by his licentious amours; he published edicts, prohibiting them from hunting feathered game, and thereby restrained them from their favourite occupation and amusement (M. West, p. 268); he ordered all the hedges and fences near his forests to be levelled, that his deer might have more ready access into the fields for pasture; and he continually loaded the nation with arbitrary impositions. Conscious of the general hatred which he had incurred, he (A.D. 1208) required his nobility to give him hostages for security of their allegiance; and they were obliged to put into his hands their sons, nephews, or near relations. When his messengers came with like orders to the castle of William de Braouse, a baron of great note, the lady of that nobleman replied, that she would never intrust her son into the hands of one who had murdered his own nephew while in his custody. Her husband reproved her for the severity of this speech; but, sensible of his danger, he immediately fled with his wife and son into Ireland, where he endeavoured to conceal himself. The king discovered the unhappy family in their retreat; seized the wife and son, whom he starved to death in prison; and the baron himself narrowly escaped, by flying into France.

The court of Rome had artfully contrived a gradation of sentences; by which she kept offenders in awe; still afforded them an opportunity of preventing the next anathema by submission, and in case of their obstinacy, was able to refresh the horror of the people against them, by the denunciations of the wrath and vengeance of heaven. As the sentence of interdict had not produced the desired effect on John, and as his people, though extremely discontented, had hitherto been restrained from rising in open rebellion against him, he was soon to look for the sentence of excommunication and he had reason to apprehend, that, notwithstanding all the precautions, the most dangerous consequences might ensue from it. He was witness of the other scenes, which, at that very time, were acting in Europe, and which displayed the unbounded and uncontrolled power of the papacy. Innocent, far from being dismayed at his contests with the King of England, had excommunicated the Emperor Otho, John's nephew;<sup>1</sup> and soon brought that powerful and haughty prince to submit to his authority. He (A.D. 1209) published a crusade against the Albigenses, a species of enthusiasts in the south of France, whom he denominated heretics; because, like other enthusiasts, they neglected the rites of the Church, and opposed the power and influence of the clergy. The people from all parts of Europe, moved by their superstition and their passion for wars and adventures, flocked to his standard. Simon de Montfort, the general of the crusade, acquired to himself a sovereignty in these provinces. The Count of Toulouse, who protected, or perhaps only tolerated, the Albigenses, was stripped of his dominions; and these sectaries themselves, though the most innocent and inoffensive of mankind, were exterminated with all the circumstances of extreme violence and bar-

<sup>1</sup> M. Paris, p. 160; Trivet, p. 154; M. West, p. 269

barity. Here were therefore both an army and a general, dangerous from their zeal and valour, who might be directed to act against John; and Innocent, after keeping the thunder long suspended, gave at last authority to the bishops of London, Ely, and Worcester, to fulminate the sentence of excommunication against him (M. Paris, p. 159; M. West, p. 270). These prelates obeyed, though their brethren were deterred from publishing, as the Pope required of them, the sentence in the several churches of their dioceses.

No sooner was the excommunication known, than the effects of it appeared. Geoffrey, Archdeacon of Norwich, who was entrusted with a considerable office in the Court of Exchequer, being informed of it while sitting on the bench, observed to his colleagues the danger of serving under an excommunicated king; and he immediately left his chair and departed the court. John gave orders to seize him, to throw him into prison, to cover his head with a great leaden cope; and by this and other severe usage he soon put an end to his life (M. Paris, p. 159); nor was there anything wanting to Geoffrey, except the dignity and rank of Becket, to exalt him to an equal station in heaven with that great and celebrated martyr. Hugh de Wells, the chancellor, being elected by the king's appointment, bishop of Lincoln, upon a vacancy in that see, desired leave to go abroad in order to receive consecration from the Archbishop of Rouen; but he no sooner reached France, than he hastened to Pontigny where Langton then resided, and paid submissions to him as his primate. The bishops, finding themselves exposed either to the jealousy of the king, or hatred of the people, gradually stole out of the kingdom; and at last there remained only three prelates to perform the functions of the episcopal office (Ann. Waverl., p. 170; Ann. Marg., p. 14). Many of the nobility, terrified by John's tyranny and obnoxious to him on different accounts, imitated the example of the bishops; and most of the others who remained were, with reason, suspected of having secretly entered into a confederacy against him (M. Paris, p. 162; M. West, p. 270, 271). John was alarmed at his dangerous situation, a situation which prudence, vigour, and popularity might formerly have prevented, but which no virtues or abilities were now sufficient to retrieve. He desired a conference with Langton at Dover, offered to acknowledge him as primate, to submit to the Pope, to restore the exiled clergy, even to pay them a limited sum as a compensation for the rents of their confiscated estates. But Langton, perceiving his advantage, was not satisfied with these concessions; he demanded that full restitution and reparation should be made to all the clergy: a condition so exorbitant that John, who probably had not the power of fulfilling it, and who foresaw that this estimation of damages might amount to an immense sum, finally broke off the conference (Ann. Waverl., p. 171).

The next gradation of papal sentences was (A.D. 1212) to absolve John's subjects from their oaths of fidelity and allegiance, and to declare every one excommunicated who had any commerce with him in public or in private, at his table, in his council, or even in private conversation (M. Paris, p. 161; M. West, p. 270); and this sentence was accordingly, with all imaginable solemnity, pronounced against him. But as John still persevered in his contumacy, there remained

nothing but the sentence of deposition; which, though intimately connected with the former, had been distinguished from it by the artifice of the Court of Rome; and Innocent determined to dart this last thunderbolt against the refractory monarch. But as a sentence of this kind required an armed force to execute it, the pontiff, casting his eyes around, fixed at last on Philip, King of France, as the person into whose powerful hand he could most properly entrust that weapon, the ultimate recourse of his ghostly authority. And he offered the monarch, besides the remission of all his sins and endless spiritual benefits, the property and possession of the kingdom of England as the reward of his labour (M. Paris, p. 162; M. West., p. 271).

It was the common concern of all princes to oppose these exorbitant pretensions of the Roman pontiff, by which they themselves were rendered vassals, and vassals totally dependent, of the papal crown; yet even Philip, the most able monarch of the age, was seduced by present interest and by the prospect of so tempting a prize, to accept this liberal offer of the pontiff, and thereby to ratify that authority which, if he ever opposed its boundless usurpations, might next day tumble him from the throne. He (A.D. 1213) levied a great army, summoned all the vassals of the crown to attend him at Rouen, collected a fleet of 1700 vessels, great and small, in the seaports of Normandy and Picardy; and partly from the zealous spirit of the age, partly from the personal regard universally paid him, prepared a force which seemed equal to the greatness of his enterprize. The king on the other hand, issued out writs, requiring the attendance of all his military tenants at Dover, and even of all able-bodied men, to defend the kingdom in this dangerous extremity. A great number appeared, and he selected an army of 60,000 men; a power invincible had they been united in affection to their prince and animated with a becoming zeal for the defence of their native country (M. Paris, p. 163; M. West., p. 271). But the people were swayed by superstition, and regarded their king with horror, as anathematized by papal censures; the barons, besides lying under the same prejudices, were all disgusted by his tyranny, and were, many of them, suspected of holding a secret correspondence with the enemy; and the incapacity of the king himself, ill-fitted to contend with those mighty difficulties, made men prognosticate the most fatal effects from the French invasion.

Pandolf, whom the Pope had chosen for his legate, and appointed to head this important expedition, had before he left Rome applied for a secret conference with his master, and asked him whether, if the King of England in this desperate situation, were willing to submit to the apostolic see, the Church should, without the consent of Philip, grant him any terms of accommodation (M. Paris, p. 162). Innocent, expecting from his agreement with a prince so abject both in character and fortune, more advantages than from his alliance with a great and victorious monarch who, after such mighty acquisitions, might become too haughty to be bound by spiritual chains, explained to Pandolf the conditions on which he was willing to be reconciled to the King of England. The legate therefore, as soon as he arrived in the North of France, sent over two knights-templars to desire an interview with John at Dover, which was readily granted; he there represented to

him in such strong and probably in such true colours, his lost condition, the disaffection of his subjects, the secret combination of his vassals against him, the mighty armament of France, that John (May 13) yielded at discretion (M. West., p. 271), and subscribed to all the conditions which Pandolf was pleased to impose upon him. He promised, among other articles, that he would submit himself entirely to the judgment of the Pope; that he would acknowledge Langton for primate; that he would restore all the exiled clergy and laity who had been banished on account of the contest; that he would make them full restitution of their goods and compensation for all damages, and instantly consign 8000*l.* in part of payment; and that every one outlawed or imprisoned for his adherence to the Pope, should immediately be received into grace and favour.<sup>1</sup> Four barons swore along with the king to the observance of his ignominious treaty (Rymer, vol. i, p. 170; M. Paris, p. 163).

But the ignominy of the king was not yet carried to its full height. Pandolf required him, as the first trial of obedience, to resign his kingdom to the Church, and he persuaded him that he could no wise so effectually disappoint the French invasion, as by thus putting himself under the immediate protection of the apostolic see. John, lying under the agonies of present terror, made no scruple of submitting to this condition. He passed a charter, in which he said, that not constrained by fear but of his own free will, and by the common advice and consent of his barons, he had, for remission of his own sins and those of his family, resigned England and Ireland to God, to St. Peter and St. Paul, and to Pope Innocent and his successors in the apostolic chair; he agreed to hold these dominions as feudatory of the Church of Rome, by the annual payment of a thousand marks, seven hundred for England, three hundred for Ireland; and he stipulated that if he or his successors should ever presume to revoke or infringe this charter, they should instantly, except upon admonition they repented of their offence, forfeit all right to their dominions (Rymer, vol. i, p. 176, M. Paris, p. 165).

In consequence of this agreement, John did (May 15) homage to Pandolf as the pope's legate, with all the submissive rites which the feudal law required of vassals before their liege lord and superior. He came disarmed into the legate's presence, who was seated on a throne, he flung himself on his knees before him, he lifted up his joined hands and put them within those of Pandolf, he swore fealty to the pope, and he paid part of the tribute which he owed for his kingdom as the patrimony of St. Peter. The legate, elated by his supreme triumph of sacerdotal power, could not forbear discovering extravagant symptoms of joy and exultation; he trampled on the money which was laid at his feet, as an earnest of the subjection of the kingdom; an insolence of which, however offensive to all the English, no one present, except the Archbishop of Dublin, dared to take any notice. But though Pandolf had brought the king to submit to these base conditions, he still refused to free him from the excommunication and *interdict*, till an estimation should be taken of the losses of the ecclesiastics, and full compensation and restitution should be made them.

<sup>1</sup> Rymer, vol. i., p. 166; M. Paris, p. 163; *Annal. Burz.*, p. 268.

John, reduced to this abject situation under a foreign power, still showed the same disposition to tyrannize over his subjects, which had been the chief cause of all his misfortunes. One Peter of Pomfret, a hermit, had foretold that the king this very year should lose his crown, and for that rash prophecy he had been thrown into prison in Corfe Castle. John now determined to bring him to punishment as an impostor, and though the man pleaded that his prophecy was fulfilled, and that the king had lost the royal and independent crown which he formerly wore, the defence was supposed to aggravate his guilt; he was dragged at horses' tails to the town of Warham, and there hanged on a gibbet with his son (*Chron. Dunst.*, vol. 1., p. 56).

When Pandolf, after receiving the homage of John, returned to France, he congratulated Philip on the success of his pious enterprise; and informed him, that John, moved by the terror of the French arms, had now come to a just sense of his guilt; had returned to obedience under the apostolic see; and even consented to do homage to the Pope for his dominions, and having thus made his kingdom a part of St. Peter's patrimony, had rendered it impossible for any Christian prince, without the most manifest and most flagrant impiety, to attack him (*Trivet*, p. 160). Philip was enraged on receiving this intelligence. he exclaimed, that having, at the Pope's instigation, undertaken an expedition, which had cost him above 60,000 pounds sterling, he was frustrated of his purpose, at the time when its success was become infallible: he complained, that all the expense had fallen upon him, all the advantages had accrued to Innocent. he threatened to be no longer the dupe of these hypocritical pretences and assembling his vassals, he laid before them the ill-treatment which he had received, exposed the interested and fraudulent conduct of the Pope, and required their assistance to execute his enterprise against England, in which, he told them, that, notwithstanding the inhibitions and menaces of the legate, he was determined to persevere. The French barons were, in that age, little less ignorant and superstitious than the English: yet, so much does the influence of those religious principles depend on the present dispositions of men, they all vowed to follow their prince on his intended expedition, and were resolute not to be disappointed of that glory and those riches which they had long expected from this enterprise. The Earl of Flanders alone, who had previously formed a secret treaty with John, declaring against the injustice and impiety of the undertaking, retired with his forces (*M. Paris*, p. 166); and Philip, that he might not leave so dangerous an enemy behind him, first turned his arms against the dominions of that prince. Meanwhile, the English fleet was assembled under the Earl of Salisbury, the king's natural brother; and, though inferior in number, received orders to attack the French in their harbours. Salisbury performed this service with so much success, that he took 300 ships, destroyed 100 more<sup>1</sup> and Philip, finding it impossible to prevent the rest from falling into the hands of the enemy, set fire to them himself, and thereby rendered it impossible for him to proceed any further in his enterprise.

John, exulting in his present security, insensible to his past disgrace, was so elated with his success, that he thought of no less than invading

<sup>1</sup> *M. Paris*, p. 166, *Chron. Dunst.*, vol. 1., p. 59, *Trivet*, p. 157



France in his turn, and recovering all those provinces which the prosperous arms of Philip had formerly ravished from him. He proposed this expedition to the barons, who were already assembled for the defence of the kingdom. But the English nobles both hated and despised their prince: they prognosticated no success to any enterprise conducted by such a leader and pretending that their time of service was elapsed, and all their provisions exhausted, they refused to second his undertaking (M. Paris, p. 166). The king, however, resolute in his purpose, embarked with a few followers, and sailed to Jersey, in the foolish expectation, that the barons would at last be ashamed to stay behind (M. Paris, p. 166). But finding himself disappointed, he returned to England, and raising some troops, threatened to take vengeance on all his nobles for their desertion and disobedience. The archbishop of Canterbury, who was in a confederacy with the barons, here interposed; strictly inhibited the king from thinking of such an attempt, and threatened him with a renewal of the sentence of excommunication, if he pretended to levy war upon any of his subjects, before the kingdom were freed from the sentence of interdict (Matt. Paris, p. 167).

The Church had recalled the several anathemas pronounced against John, by the same gradual progress with which she had at first issued them. By receiving his homage, and admitting him to the rank of a vassal, his deposition had been virtually annulled, and his subjects were again bound by their oaths of allegiance. The exiled prelates had then returned in great triumph, with Langton at their head; and the king, hearing of their approach, went forth to meet them, and throwing himself on the ground before them, he entreated them, with tears, to have compassion on him and the kingdom of England (M. Paris, p. 166. Ann. Waverl., p. 178). The primate, seeing these marks of sincere penitence, led him to the chapter-house of Winchester, and (20 July) there administered an oath to him, by which he again swore fealty and obedience to Pope Innocent and his successors; promised to love, maintain, and defend holy Church and the clergy; engaged that he would re-establish the good laws of his predecessors, particularly those of St. Edward, and would abolish the wicked ones, and expressed his resolution of maintaining justice and right in all his dominions (M. Paris, p. 166). The primate next gave him absolution in the requisite forms, and admitted him to dine with him, to the great joy of all the people. The sentence of interdict, however, was still upheld against the kingdom. A new legate, Nicholas, Bishop of Frescati, came into England, in the room of Pandolf, and he declared it to be the Pope's intentions never to loosen that sentence till full restitution were made to the clergy of everything taken from them, and ample reparation for all damages which they had sustained. He only permitted mass to be said with a low voice in the churches, till those losses and damages could be estimated to the satisfaction of the parties. Certain barons were appointed to take an account of the claims; and John was astonished at the greatness of the sums to which the clergy made their losses to amount. No less than twenty thousand marks were demanded by the monks of Canterbury alone; twenty-three thousand for the see of Lincoln; and the king, finding these pretensions to be exorbi-

tant and endless, offered the clergy the sum of a hundred thousand marks for a final acquittal. The clergy rejected the offer with disdain; but the Pope, willing to favour his new vassal, whom he found zealous in his declarations of fealty, and regular in paying the stipulated tribute to Rome, directed his legate to accept of forty thousand. The issue of the whole was, that the bishops and considerable abbots got reparation beyond what they had any title to demand; the inferior clergy were obliged to sit down contented with their losses, and the king, after the interdict was taken off, renewed, in the most solemn manner, and by a new charter, sealed with gold, his professions of homage and obedience to the see of Rome.

When this vexatious affair was (A.D. 1214) at last brought to a conclusion, the king, as if he had nothing farther to attend to but triumphs and victories, went over to Poitou, which still acknowledged his authority (Queen Eleanor died in 1203 or 1204), and he carried war into Philip's dominions. He besieged a castle near Angiers; but the approach of Prince Lewis, Philip's son, obliged him to raise the siege with such precipitation, that he left his tents, machines, and baggage behind him, and he returned to England with disgrace. About the same time, he heard of the great and decisive victory gained by the King of France at Bovines over the emperor Otho, who had entered France at the head of 150,000 Germans, a victory which established for ever the glory of Philip, and gave full security to all his dominions. John could, therefore, think henceforth of nothing further, than of ruling peaceably his own kingdom; and his close connections with the Pope, which he was determined at any price to maintain, ensured him, as he imagined, the certain attainment of that object. But the last and most grievous scene of this prince's misfortunes still awaited him; and he was destined to pass through a series of more humiliating circumstances than had ever yet fallen to the lot of any other monarch.

The introduction of the feudal law into England by William the Conqueror had much infringed the liberties, however imperfect, enjoyed by the Anglo-Saxons in their ancient government, and had reduced the whole people to a state of vassalage under the king or barons, and even the greater part of them to a state of real slavery. The necessity also of entrusting great power in the hands of a prince who was to maintain military dominion over a vanquished nation, had engaged the Norman barons to submit to a more severe and absolute prerogative than that to which men of their rank, in other feudal governments, were commonly subjected. The power of the crown once raised to a high pitch, was not easily reduced, and the nation, during the course of a hundred and fifty years, was governed by an authority unknown in the same degree to all the kingdoms founded by the northern conquerors. Henry I., that he might allure the people to give an exclusion to his elder brother Robert, had granted them a charter favourable in many particulars to their liberties, Stephen had renewed the grant, Henry II had confirmed it, but the concessions of all these princes had still remained without effect, and the same unlimited, at least irregular authority, continued to be exercised both by them and their successors. The only happiness was that arms were never yet ravished from the hands of the barons and people; the

nation, by a great confederacy, might still vindicate its liberties; and nothing was more likely than the character, conduct, and fortunes of the reigning prince, to produce such a general combination against him. Equally odious and contemptible, both in public and private life, he affronted the barons by his insolence, dishonoured their families by his gallantries, enraged them by his tyranny, and gave discontent to all ranks of men by his endless exactions and impositions.<sup>1</sup> The effect of these lawless practices had already appeared in the general demand made by the barons of a restoration of their privileges; and after he had reconciled himself to the Pope by abandoning the independence of the kingdom, he appeared to all his subjects in so mean a light, that they universally thought they might with safety and honour insist upon their pretensions.

But nothing forwarded this confederacy so much as the concurrence of Langton, Archbishop of Canterbury; a man whose memory, though he was obtruded on the nation by a palpable encroachment of the see of Rome, ought always to be respected by the English. This prelate, whether he was moved by the generosity of his nature and his affection to public good, or had entertained an animosity against John on account of the long opposition made by that prince to his election, or thought that an acquisition of liberty to the people would serve to increase and secure the privileges of the Church, had formed the plan of reforming the government, and had prepared the way for that great innovation by inserting those singular clauses above mentioned in the oath which he administered to the king before he would absolve him from the sentence of excommunication. Soon after, in a private meeting of some principal barons at London, he showed them a copy of Henry I.'s charter, which he said he had happily found in a monastery; and he exhorted them to insist on the renewal and observance of it. The barons swore that they would sooner lose their lives than depart from so reasonable a demand (*M. Paris*, p. 167). The confederacy began now to spread wider, and to comprehend almost all the barons in England; and a new and more numerous meeting was (Nov.) summoned by Langton at St. Edmondsbury, under colour of devotion. He again produced to the assembly the old charter of Henry; renewed his exhortations of unanimity and vigour in the prosecution of their purpose, and represented in the strongest colours the tyranny to which they had so long been subjected, and from which it now behoved them to free themselves and their posterity (*Ibid.*, p. 175). The barons inflamed by his eloquence, incited by the sense of their own wrongs, and encouraged by the appearance of their power and numbers, solemnly took an oath before the high altar to adhere to each other, to insist on their demands, and to make endless war on the king till he should submit to grant them (*Ibid.*, p. 176). The barons agreed that after the festival of Christmas they would prefer in a body their common petition; and in the meantime they separated after mutually engaging that they would put themselves in a posture of defence, would enlist men and purchase arms, and would supply their castles with the necessary provisions.

The barons appeared (A.D. 1215, 6 Jan.) in London on the day ap-

<sup>1</sup> *Chron. Mail.*, p. 188; *T. Wykes*, p. 36; *Ann. Waverl.*, p. 181; *W. Heming*, p. 557.

pointed; and demanded of the king that in consequence of his own oath before the primate, as well as in deference to their just rights, he should grant them a renewal of Henry's charter, and a confirmation of the laws of St. Edward. The king alarmed with their zeal and unanimity as well as with their power, required a delay; promised that at the festival of Easter he would give them a positive answer to their petition; and offered them the Archbishop of Canterbury, the Bishop of Ely, and the Earl of Pembroke, the Mareschal, as sureties for his fulfilling this engagement (M. Paris, p. 176). The barons accepted of the terms, and peaceably returned to their castles.

During this interval, John, in order to break or subdue the league of his barons, endeavoured to avail himself of the ecclesiastical power, of whose influence he had, from his own recent misfortunes had such fatal experience. He (Jan. 15) granted to the clergy a charter, relinquishing for ever that important prerogative for which his father and all his ancestors had zealously contended; yielding to them the free election all on vacancies; reserving only the power to issue a *congé d'elire*, and to subjoin a confirmation of the election, and declaring that if either of these were withheld, the choice should nevertheless be deemed just and valid (Rymer, vol. 1., p. 197). He made a vow to lead an army into Palestine against the infidels, and he took on him the cross in hopes that he should receive from the Church that protection which he tendered to every one that had entered into this sacred and meritorious engagement.<sup>1</sup> And he sent to Rome his agent, William de Mauleclerc, in order to appeal to the Pope against the violence of his barons, and procure him a favourable sentence from that powerful tribunal (Rymer, vol. 1, p. 184). The barons also were not negligent on their part in endeavouring to engage the Pope in their interest. They despatched Eustace de Vescie to Rome, laid their case before Innocent as their feudal lord, and petitioned him to interpose his authority with the king, and oblige him to restore and confirm all their just and undoubted privileges (Rymer)

Innocent beheld with regret the disturbances which had arisen in England, and was much inclined to favour John in his pretensions. He had no hopes of retaining and extending his newly acquired superiority over that kingdom but by supporting so base and degenerate a prince, who was willing to sacrifice every consideration to his present safety, and he foresaw that if the administration should fall into the hands of those gallant and high-spirited barons, they would vindicate the honour, liberty, and independence of the nation, with the same ardour which they now exerted in defence of their own. He wrote letters therefore to the prelates, to the nobility, and to the king himself. He exhorted the first to employ their good offices in conciliating peace between the contending parties, and putting an end to civil discord. To the second he expressed his disapprobation of their conduct in employing force to extort concessions from their reluctant sovereign. The last he advised to treat his nobles with grace and indulgence, and to grant them such of their demands as should appear just and reasonable (Rymer, p. 196, 197).

The barons easily saw from the tenor of these letters that they must

<sup>1</sup> Rymer, vol. 1, p. 200, Trivet, p. 162, T. Wykes, p. 37, M. West, p. 273.

reckon on having the Pope as well as the king for their adversary; but they had already advanced too far to recede from their pretensions, and their passions were so deeply engaged that it exceeded even the power of superstition itself any longer to control them. They also foresaw that the thunders of Rome, when not seconded by the efforts of the English ecclesiastics, would be of small avail against them; and they perceived that the most considerable of the prelates, as well as all the inferior clergy, professed the highest approbation of their cause. Besides that these men were seized with the national passion for laws and liberty, blessings of which they themselves expected to partake, there concurred very powerful causes to loosen their devoted attachment to the apostolic see. It appeared from the late usurpations of the Roman pontiff that he pretended to reap alone all the advantages accruing from that victory which under his banners, though at their own peril, they had everywhere obtained over the civil magistrate. The Pope assumed a despotic power over all the Churches; their particular customs, privileges, and immunities, were treated with disdain; even the canons of general councils were set aside by his dispensing power; the whole administration of the Church was centered in the court of Rome; all preferments ran of course in the same channel; and the provincial clergy saw, at least felt, that there was a necessity for limiting these pretensions. The legate, Nicholas, in filling those numerous vacancies which had fallen in England during an interdict of six years, had proceeded in the most arbitrary manner; and had paid no regard, in conferring dignities, to personal merit, to rank, to the inclination of the electors, or to the customs of the country. The English Church was universally disgusted, and Langton himself, though he owed his elevation to an encroachment of the Romish see, was no sooner established in his high office than he became jealous of the privileges annexed to it, and formed attachments with the country subjected to his jurisdiction. These causes, though they opened slowly the eyes of men, failed not to produce their effect. They set bounds to the usurpations of the papacy; the tide first stopped, and then turned against the sovereign pontiff; and it is otherwise inconceivable how that age, so prone to superstition and so sunk in ignorance, or rather so devoted to a spurious erudition, could have escaped falling into an absolute and total slavery under the court of Rome.

About the time that the Pope's letters arrived in England, the malcontent barons, on the approach of the festival of Easter, when they were to expect the king's answer to their petition, met by agreement at Stamford; and they assembled a force, consisting of above 2000 knights, besides their retainers and inferior persons without number. Elated with their power, they (April 27) advanced in a body to Brackley, within 15 miles of Oxford, the place where the court then resided; and they there received a message from the king, by the Archbishop of Canterbury and the Earl of Pembroke, desiring to know what those liberties were which they so zealously challenged from their sovereign. They delivered to these messengers a schedule, containing the chief articles of their demands; which was no sooner shown to the king, than he burst into a furious passion, and asked, why the barons did not also demand of him his kingdom? swearing,

that he would never grant them such liberties as must reduce himself to slavery (M. Paris, p. 176).

No sooner were the confederated nobles informed of John's reply, than they chose Robert Fitz-Walter their general, whom they called the mareschal of the army of God and of holy Church; and they proceeded without further ceremony to levy war upon the king. They besieged the castle of Northampton during 15 days, though without success (M. Paris, p. 177; Chron. Dunst., vol. i., p. 71). The gates of Bedford castle were willingly opened to them by William Beauchamp, its owner. they (May 24) advanced to Ware in their way to London, where they held a correspondence with the principal citizens: they were received without opposition into that capital: and finding now the great superiority of their force, they issued proclamations, requiring the other barons to join them; and menacing them, in case of refusal or delay, with committing devastation on their houses and estates (M. Paris, p. 177). In order to show what might be expected from their prosperous arms, they made incursions from London, and laid waste the king's parks and palaces; and all the barons, who had hitherto carried the semblance of supporting the royal party, were glad of this pretence for openly joining a cause, which they always had secretly favoured. The king was left at Odiham, in Hampshire, with a poor retinue of only seven knights; and after trying several expedients to elude the blow, after offering to refer all differences to the Pope alone, or to eight barons, four to be chosen by himself, and four by the confederates (Rymer, vol. 1, p. 200), he found himself at last obliged to submit at discretion.

A conference between the king and the barons was appointed (June 15) at Runnemede, between Windsor and Staines; a place which has ever since been extremely celebrated, on account of this great event. The two parties encamped apart, like open enemies; and after a debate of a few days, the king, with a facility somewhat suspicious (June 19), signed and sealed the charter which was required of him. This famous deed, commonly called the MAGNA CHARTA (Great Charter), either granted or secured very important liberties and privileges to every order of men in the kingdom, to the clergy, to the barons, and to the people.

The freedom of elections was secured to the clergy; the former charter of the king was confirmed, by which the necessity of a royal congé d'elire and confirmation was superseded, all check upon appeal to Rome was removed, by the allowance granted every man to depart the kingdom at pleasure, and the fines to be imposed on the clergy, for any offence, were ordained to be proportional to their lay estates, not to their ecclesiastical benefices.

The privileges granted to the barons were either abatements in the rigour of the feudal law, or determinations in points which had been left by that law, or had become by practice arbitrary and ambiguous. The reliefs of heirs succeeding to a military fee were ascertained; an earl's and baron's at a hundred marks, a knight's at a hundred shillings. It was ordained by the charter, that, if the heir be a minor, he shall, immediately upon his majority, enter upon his estate without paying any relief; the king shall not sell his wardship; he shall levy only

reasonable profits upon the estate, without committing waste or hurting the property, he shall uphold the castles, houses, mills, parks, and ponds; and if he commit the guardianship of the estate to the sheriff or any other, he shall previously oblige them to find surety to the same purpose. During the minority of a baron, while his lands are in wardship, and are not in his own possession, no debt which he owes to the Jews shall bear any interest. Heirs shall be married without disparagement; and before the marriage be contracted, the nearest relations of the person shall be informed of it. A widow, without paying any relief, shall enter upon her dower the third part of her husband's rents; she shall not be compelled to marry so long as she chooses to continue single; she shall only give security never to marry without her lord's consent. The king shall not claim the wardship of any minor who holds lands by military tenure of a baron, on pretence that he also holds lands of the crown, by soccage or any other tenure. Scutages shall be estimated at the same rate as in the time of Henry I.; and no scutage or aid, except in the three general feudal cases, the king's captivity, the knighting of his eldest son, and the marrying of his eldest daughter, shall be imposed but by the great council of the kingdom; the prelates, earls, and great barons, shall be called to this great council, each by a particular writ; the lesser barons by a general summons of the sheriff. The king shall not seize any baron's land for a debt to the crown, if the baron possesses as many goods and chattels as are sufficient to discharge the debt. No man shall be obliged to perform more service for his fee than he is bound to by his tenure. No governor or constable of a castle shall oblige any knight to give money for castle-guard, if the knight be willing to perform the service in person, or by another able-bodied man; and if the knight be in the field himself, by the king's command, he shall be exempted from all other service of this nature. No vassal shall be allowed to sell so much of his land as to incapacitate himself from performing his service to his feudal lord.

These were the principal articles, calculated for the interest of the barons; and had the charter contained nothing further, national happiness and liberty had been very little promoted by it, as it would only have tended to increase the power and independence of an order of men who were already too powerful, and whose yoke might have become more heavy on the people than even that of an absolute monarch. But the barons, who alone drew and imposed on the prince this memorable charter, were necessitated to insert in it other clauses of a more extensive and more beneficent nature; they could not expect the concurrence of the people, without comprehending, together with their own, the interests of inferior ranks of men; and all provisions, which the barons, for their own sake, were obliged to make, in order to ensure the free and equitable administration of justice, tended directly to the benefit of the whole community. The following were the principal clauses of this nature.

It was ordained, that all the privileges and immunities above mentioned, granted to the barons against the king, should be extended by the barons to their inferior vassals. The king bound himself not to grant any writ, empowering a baron to levy aids from his vassals,

except in the three feudal cases. One weight and one measure shall be established throughout the kingdom. Merchants shall be allowed to transact all business, without being exposed to any arbitrary tolls and impositions; they and all free men shall be allowed to go out of the kingdom and return to it at pleasure; London, and all cities and burghs, shall preserve their ancient liberties, immunities, and free customs; aids shall not be required of them but by the consent of the great council; no towns or individuals shall be obliged to make or support bridges but by ancient custom; the goods of every freeman shall be disposed of according to his will; if he die intestate, his heirs shall succeed to them. No officer of the crown shall take any horses, carts, or wood, without the consent of the owner. The king's courts of justice shall be stationary, and shall no longer follow his person; they shall be open to every one; and justice shall no longer be sold, refused, or delayed by them. Circuits shall be regularly held every year; the inferior tribunals of justice, the county court, sheriff's turn, and court-leet, shall meet at their appointed time and place; the sheriffs shall be incapacitated to hold pleas of the crown; and shall not put any person upon his trial, from rumour or suspicion alone, but upon the evidence of lawful witnesses. No freeman shall be taken or imprisoned, or dispossessed of his free tenement and liberties, or outlawed, or banished, or any wise hurt or injured, unless by the legal judgment of his peers, or by the law of the land; and all who suffered otherwise, in this or the two former reigns, shall be restored to their rights and possessions. Every freeman shall be fined in proportion to his fault; and no fine shall be levied on him to his utter ruin, even a villain or rustic shall not, by any fine, be bereaved of his carts, ploughs, and implements of husbandry. This was the only article calculated for the interests of this body of men, probably at that time the most numerous in the kingdom.

It must be confessed, that the former articles of the Great Charter contain such mitigations and explanations of the feudal law as are reasonable and equitable; and that the latter involve all the chief outlines of a legal government, and provide for the equal distribution of justice, and free enjoyment of property; the great objects for which political society was at first founded by men, which the people have a perpetual and unalienable right to recall, and which no time, nor precedent, nor statute, nor positive institution, ought to deter them from keeping ever uppermost in their thoughts and attention. Though the provisions made by this charter might, conformably to the genius of the age, be esteemed too concise, and too bare of circumstances, to maintain the execution of its articles, in opposition to the chicanery of lawyers, supported by the violence of power, time gradually ascertained the sense of all the ambiguous expressions, and those generous barons, who first extorted this concession, still held their swords in their hands, and could turn them against those who dared, on any pretence, to depart from the original spirit and meaning of the grant. We may now, from the tenor of this charter, conjecture what those laws were of King Edward, which the English nation, during so many generations, still desired, with such an obstinate perseverance, to have recalled and established. They were chiefly these latter articles of



Magna Charta; and the barons, who, at the beginning of these commotions, demanded the revival of the Saxon laws, undoubtedly thought that they had sufficiently satisfied the people by procuring them this concession, which comprehended the principal objects to which they had so long aspired. But what we are most to admire, is the prudence and moderation of those haughty nobles themselves, who were enraged by injuries, inflamed by opposition, and elated by a total victory over their sovereign. They were content, even in this plenitude of power, to depart from some articles of Henry I.'s charter, which they made the foundation of their demands, particularly from the abolition of wardships, a matter of the greatest importance; and they seem to have been sufficiently careful not to diminish too far the power and revenue of the crown. If they appear, therefore, to have carried other demands to too great a height, it can be ascribed only to the faithless and tyrannical character of the king himself, of which they had long had experience, and which, they foresaw, would, if they provided no further security, lead him soon to infringe their new liberties, and revoke his own concessions. This alone gave birth to those other articles, seemingly exorbitant, which were added as a rampart for the safeguard of the Great Charter.

The barons obliged the king to agree that London should remain in their hands, and the Tower be consigned to the custody of the primate, till the 15th of August ensuing, or till the execution of the several articles of the Great Charter (Rymer, vol. i., p. 201; Chron. Dunst., vol. i., p. 73). The better to ensure the same end, he allowed them to choose five-and-twenty members from their own body, as conservators of the public liberties, and no bounds were set to the authority of these men either in extent or duration. If any complaint were made of a violation of the Charter, whether attempted by the king, justiciaries, sheriffs, or foresters, any four of these barons might admonish the king to redress the grievance; if satisfaction were not obtained, they could assemble the whole council of twenty-five, who, in conjunction with the great council, were empowered to compel him to observe the Charter; and, in case of resistance, might levy war against him, attack his castles, and employ every kind of violence, except against his royal person and that of his queen and children. All men throughout the kingdom were bound, under the penalty of confiscation, to swear obedience to the twenty-five barons; and the freeholders of each county were to choose twelve knights, who were to make report of such evil customs as required redress, conformably to the tenor of the Great Charter.<sup>1</sup> The names of those conservators were the Earls of Clare, Albemarle, Gloucester, Winchester, Hereford, Roger Bigod, Earl of Norfolk, Robert de Vere, Earl of Oxford, William Mareschal the younger, Robert Fitz-Walter, Gilbert de Clare, Eustace de Vescey, Gilbert Delaval, William de Moubray, Geoffrey de Say, Roger de Mombezon, William de Huntingfield, Robert de Ros, the constable of Chester, William de Aubenie, Richard de Perci, William Malet, John Fitz-Robert, William de Lanvalay, Hugh de Bigod, and Roger de

<sup>1</sup> This seems a very strong proof that the house of commons was not then in being, otherwise the knights and burgesses from the several counties could have given in to the lords a list of grievances without so unusual an election.

Montfichet (M. Paris, p. 181) These men were, by this convention, really invested with the sovereignty of the kingdom: they were rendered co-ordinate with the king, or rather superior to him, in the exercise of the executive power; and as there was no circumstance of government which, either directly or indirectly, might not bear a relation to the security or observance of the Great Charter, there could scarcely occur any incident in which they might not interpose their authority.

John seemed to submit passively to all these regulations, however injurious to majesty; he sent writs to all the sheriffs, ordering them to constrain every one to swear obedience to the twenty-five barons (M. Paris, p. 182); he dismissed all his foreign forces; he pretended that his government was thenceforth to run in a new tenor, and be more indulgent to the liberty and independence of his people. But he only dissembled, till he should find a favourable opportunity for annulling all his concessions. The injuries and indignities which he had formerly suffered from the Pope and the King of France, as they came from equals or superiors, seemed to make but small impression on him; but the sense of this perpetual and total subjection, under his own rebellious vassals, sunk deep in his mind, and he was determined, at all hazards, to throw off so ignominious a slavery (Ibid., p. 183). He grew sullen, silent, and reserved; he shunned the society of his courtiers and nobles; he retired into the Isle of Wight, as if desirous of hiding his shame and confusion; but in this retreat he meditated the most fatal vengeance against all his enemies (Ibid.). He secretly sent abroad his emissaries to enlist foreign soldiers, and to invite the rapacious Brabançons into his service, by the prospect of sharing the spoils of England, and reaping the forfeitures of so many opulent barons, who had incurred the guilt of rebellion by rising in arms against him;<sup>1</sup> and he dispatched a messenger to Rome, in order to lay before the Pope the Great Charter which he had been compelled to sign, and to complain, before that tribunal, of the violence which had been imposed upon him (M. Paris, p. 183; Chron. Dunst., vol. i., p. 73).

Innocent, considering himself as feudal lord of the kingdom, was incensed at the temerity of the barons, who, though they pretended to appeal to his authority, had dared, without waiting for his consent, to impose such terms on a prince, who, by resigning to the Roman pontiff his crown and independence, had placed himself immediately under the papal protection. He issued, therefore, a bull, in which, from the plenitude of his apostolic power, and from the authority which God had committed to him, to build and destroy kingdoms, to plant and overthrow, he annulled and abrogated the whole Charter, as unjust in itself, as obtained by compulsion, and as derogatory to the dignity of the apostolic see. He prohibited the barons from exacting the observance of it, he even prohibited the king himself from paying any regard to it; he absolved him and his subjects from all oaths which they had been constrained to take to that purpose, and he pronounced a general sentence of excommunication against every one who should persevere in maintaining such treasonable and iniquitous pretensions.<sup>2</sup>

The king, as his foreign forces arrived along with this bull, now

<sup>1</sup> M. Paris, p. 183. Chron. Dunst., vol. i., p. 72. Chron. Mailr., p. 188.

<sup>2</sup> Rymer, vol. 1, pp. 203, 204, 205, 208. M. Paris, pp. 184, 185, 187.

ventured to take off the mask; and, under sanction of the Pope's decree, recalled all the liberties which he had granted to his subjects, and which he had solemnly sworn to observe. But the spiritual weapon was found upon trial to carry less force with it than he had reason, from his own experience, to apprehend. The primate refused to obey the Pope in publishing the sentence of excommunication against the barons, even though he was cited to Rome, that he might attend a general council, there assembled, and was suspended, on account of his disobedience to the Pope, and his secret correspondence with the king's enemies (M. Paris, p. 189). Though a new and particular sentence of excommunication was pronounced by name against the principal barons (Rymer, vol. 1, p. 211), John still found that his nobility and people, and even his clergy, adhered to the defence of their liberties, and to their combination against him, the sword of his foreign mercenaries was all he had to trust for restoring his authority.

The barons, after obtaining the Great Charter, seem to have been lulled into a fatal security, and to have taken no rational measures, in case of the introduction of a foreign force, for reassembling their armies. The king was, from the first, master of the field; and immediately laid siege to the castle of Rochester, which was obstinately defended by William de Albiney, at the head of a hundred and forty knights with their retainers, but was (Nov. 30th) at last reduced by famine. John, irritated with the resistance, intended to have hanged the governor and all the garrison; but on the representation of William de Mauleon, who suggested to him the danger of reprisals, he was content to sacrifice, in this barbarous manner, the inferior prisoners only (M. Paris, p. 187). The captivity of William de Albiney, the best officer among the confederated barons, was an irreparable loss to their cause; and no regular opposition was thenceforth made to the progress of the royal arms. The ravenous and barbarous mercenaries, incited by a cruel and enraged prince, were let loose against the estates, tenants, manors, houses, parks of the barons, and spread devastation over the face of the kingdom. Nothing was to be seen but the flames of villages and castles reduced to ashes, the consternation and misery of the inhabitants, tortures exercised by the soldiery to make them reveal their concealed treasures, and reprisals no less barbarous, committed by the barons and their partisans on the royal demesnes, and on the estates of such as still adhered to the crown. The king, marching through the whole extent of England, from Dover to Berwick, laid the provinces waste on each side of him, and considered every state, which was not his immediate property, as entirely hostile, and the object of military execution. The nobility of the north of England, in particular, who had shown greatest violence in the recovery of their liberties, and who, acting in a separate body, had expressed their discontent even at the concessions made by the Great Charter, as they could expect no mercy, fled before him with their wives and families, and purchased the friendship of Alexander, the young King of Scots, by doing homage to him.

The barons, reduced to this desperate extremity, and menaced with the total loss of their liberties, their properties, and their lives, employed a remedy no less desperate, and making applications to the court of

France, they offered to acknowledge Lewis, the eldest son of Philip, for their sovereign, on condition that he would afford them protection from the violence of their enraged prince. Though the sense of the common rights of mankind, the only rights that are entirely infeasible, might have justified them in the deposition of their king, they declined insisting before Philip on a pretension which is commonly so disagreeable to sovereigns, and which sounds harshly in their royal ears. They affirmed that John was incapable of succeeding to the crown, by reason of the attainder passed upon him during his brother's reign; though that attainder had been reversed, and Richard had even, by his last will, declared him his successor. They pretended that he was already legally deposed by sentence of the peers of France, on account of the murder of his nephew; though that sentence could not possibly regard anything but his transmarine dominions, which alone he held in vassalage to that crown. On more plausible grounds, they affirmed, that he had already deposed himself by doing homage to the Pope, changing the nature of his sovereignty, and resigning an independent crown for a fee under a foreign power. And as Blanche of Castile, the wife of Lewis, was descended by her mother from Henry II., they maintained, though many other princes stood before her in the order of succession, that they had not shaken off the royal family, in choosing her husband for their sovereign.

Philip was strongly tempted to lay hold on the rich prize which was offered to him. The legate menaced him with interdicts and excommunications, if he invaded the patrimony of St. Peter, or attacked a prince who was under the immediate protection of the holy see (M. Paris, p 194, M. West, p 275). But as Philip was assured of the obedience of his own vassals, his principles were changed with the times, and he now undervalued as much all papal censures, as he formerly pretended to pay respect to them. His chief scruple was with regard to the fidelity which he might expect from the English barons in their new engagements, and the danger of entrusting his son and heir into the hands of men, who might, on any caprice or necessity, make peace with their native sovereign, by sacrificing a pledge of so much value. He therefore exacted from the barons twenty-five hostages of the most noble birth in the kingdom (M. Paris, p 193; Chron. Dunst., vol. 1., p 74), and having obtained this security, he sent over first a small army to the confederates, then more numerous forces, which arrived with Lewis himself at their head.

The first effect of the young prince's appearance in England was the desertion of John's foreign troops, who, being mostly levied in Flanders, and other provinces of France, refused to serve against the heir of their monarchy (M. Paris, p 195). The Gascons and Poitevins alone, who were still John's subjects, adhered to his cause, but they were too weak to maintain that superiority in the field, which they had hitherto supported against the confederated barons. Many considerable noblemen deserted John's party, the Earls of Salisbury, Arundel, Warrenne, Oxford, Albemarle, and William Mareschal the younger, his castles fell daily into the hands of the enemy, Dover was the only place which, from the valour and fidelity of Hubert de Burgh, the governor, made resistance to the progress of Lewis (Ibid., p 198;

Chron. Dunst., vol. i, p. 75, 76); and the barons had the melancholy prospect of finally succeeding in their purpose, and of escaping the tyranny of their own king, by imposing on themselves and the nation a foreign yoke. But this union was of short duration between the French and English nobles; and the imprudence of Lewis, who, on every occasion, showed too visible a preference to the former, increased that jealousy which it was so natural for the latter to entertain in their present situation (W. Heming, p. 559). The Viscount of Melun, too, it is said, one of his courtiers, fell sick at London, and finding the approaches of death, he sent for some of his friends among the English barons, and warning them of their danger, revealed Lewis's secret intentions of exterminating them and their families, as traitors to their prince, and of bestowing their estates and dignities on his native subjects, in whose fidelity he could more reasonably place confidence (M. Paris, p. 199, M. West, p. 277). This story, whether true or false, was universally reported and believed; and concurring with other circumstances, which rendered it credible, did great prejudice to the cause of Lewis. The Earl of Salisbury and other noblemen deserted again to John's party (Chron. Dunst., vol. i, p. 78), and as men easily change sides in a civil war, especially where their power is founded on an hereditary and independent authority, and is not derived from the opinion and favour of the people, the French prince had reason to dread a sudden reverse of fortune. The king was assembling a considerable army, with a view of fighting one great battle for his crown; but passing from Lynne to Lincolnshire, his road lay along the sea-shore, which was overflowed at high water; and not choosing the proper time for his journey, he lost in the inundation all his carriages, treasure, baggage, and regalia. The affliction for this disaster, and vexation from the distracted state of his affairs, increased the sickness under which he then laboured; and though he reached the castle of Newark, he was obliged to halt there, and his distemper soon after (A.D. 1216, 17th Oct.) put an end to his life, in the forty-ninth year of his age, and eighteenth of his reign, and freed the nation from the dangers to which it was equally exposed by his success or by his misfortunes.

The character of this prince is nothing but a complication of vices, equally mean and odious, ruinous to himself and destructive to his people. Cowardice, inactivity, folly, levity, licentiousness, ingratitude, treachery, tyranny, and cruelty; all these qualities appear too evidently in the several incidents of his life, to give us room to suspect that the disagreeable picture has been anywise overcharged by the prejudices of the ancient historians. It is hard to say whether his conduct to his father, his brother, his nephew, or his subjects, was most culpable; or whether his crimes in these respects were not even exceeded by the baseness which appeared in his transactions with the King of France, the pope, and the barons. His European dominions, when they devolved to him by the death of his brother, were more extensive than have ever, since his time, been ruled by any English monarch; but he first lost by his misconduct the flourishing provinces in France, the ancient patrimony of his family; he subjected his kingdom to a shameful vassalage under the see of Rome; he saw the prerogatives of his crown diminished by law, and still more reduced by faction; and he died

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at last, when in danger of being totally expelled by a foreign power, and of either ending his life miserably in prison, or seeking shelter as a fugitive from the pursuit of his enemies.

The prejudices against this prince were so violent that he was believed to have sent an embassy to the Miramoulin or Emperor of Morocco, and to have offered to change his religion and become Mahometan, in order to purchase the protection of that monarch. But though this story is told us on plausible authority, by Matthew Paris (P. 169), it is in itself utterly improbable, except that there is nothing so incredible but may be believed to proceed from the wickedness of John.

The monks throw great reproaches on this prince for his impiety and even infidelity; and as an instance of it they tell us, that, having one day caught a very fat stag, he exclaimed, 'How plump and well fed is *this* animal; and yet, I dare swear, he never heard mass' (M. Paris, 170). This sally of wit, upon the usual corpulency of the priests, more than all his enormous crimes and iniquities, made him pass with ~~them~~ for an atheist.

John left two legitimate sons behind him, Henry, born on the first of October, 1207, and now nine years of age; and Richard, born on the sixth of January, 1209; and three daughters, Jane, afterwards married to Alexander, King of Scots; Eleanor, married first to William Mareschal the younger, Earl of Pembroke, and then to Simon Mountfort, Earl of Leicester; and Isabella married to the Emperor Frederick II. All these children were born to him by Isabella of Angoulesme, his second wife. His illegitimate children were numerous, but none of them were anywise distinguished.

It was this king who, in the ninth year of his reign, first gave by charter to the city of London, the right of electing annually a mayor out of its own body, an office which was till now held for life. He gave the city also power to elect and remove its sheriffs at pleasure, and its common-councilmen annually. London Bridge was finished in this reign; the former bridge was of wood. Maud the Empress was the first that built a stone bridge in England.

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## APPENDIX II.

### THE FEUDAL AND ANGLO-NORMAN GOVERNMENT AND MANNERS.

*Origin of the feudal law—Its progress.—Feudal government of England—The feudal parliament.—The commons—Judicial power.—Revenue of the crown.—Commerce.—The church.—Civil laws.—Manners of the people.*

THE feudal law is the chief foundation both of the political government and of the jurisprudence established by the Normans in England. Our subject therefore requires, that we should form a just idea of this law, in order to explain the state, as well of that kingdom, as of all other kingdoms of Europe, which, during those ages, were governed by similar institutions. And though I am sensible, that I must here

repeat many observations and reflections which have been communicated by others (*L'Esprit de Loix* ; Robertson's *Hist. of Scotland*) : yet, as every book, agreeably to the observation of a great historian (*Padre Paolo Hist. Conc. Trid.*), should be as complete as possible within itself, and should never refer, for anything material, to other books, it will be necessary in this place, to deliver a short plan of that prodigious fabric, which, for several centuries, preserved such a mixture of liberty and oppression, order and anarchy, stability and revolution, as was never experienced in any age, or other part of the world.

After the northern nations had subdued the provinces of the Roman empire, they were obliged to establish a system of government, which might secure their conquests, as well against the revolt of their numerous subjects who remained in the provinces, as from the incursions of other tribes, who might be tempted to ravish from them their new acquisitions. The great change of circumstances made them here depart from those institutions which prevailed among them, while they remained in the forests of Germany ; yet was it still natural for them to retain, in their present settlement, as much of their ancient customs as was compatible with their new situation.

The German governments, being more a confederacy of independent warriors than a civil subjection, derived their principal force from many inferior and voluntary associations, which individuals formed under a particular head or chieftain, and which it became the highest point of honour to maintain with inviolable fidelity. The glory of the chief consisted in the number, the bravery, and the zealous attachment of his retainers ; the duty of the retainers required, that they should accompany their chief in all wars and dangers, that they should fight and perish by his side, and that they should esteem his renown or his favour a sufficient recompense for all their services (*Tacit. de Mor. Germ.*). The prince himself was nothing but a great chieftain, who was chosen from among the rest on account of his superior valour or nobility, and who derived his power from the voluntary association or attachment of the other chieftains.

When a tribe, governed by these ideas, and actuated by these principles, subdued a large territory, they found, that, though it was necessary to keep themselves in a military posture, they could neither remain united in a body, nor take up their quarters in several garrisons, and that their manners and institutions debarred them from using these expedients ; the obvious ones, which, in a like situation, would have been employed by a more civilized nation. Their ignorance in the art of finances, and perhaps the devastations inseparable from such violent conquests, rendered it impracticable for them to levy taxes sufficient for the pay of numerous armies, and their repugnance to subordination, with their attachment to rural pleasures, made the life of the camp or garrison, if perpetuated during peaceful times, extremely odious and disgusting to them. They seized, therefore, such a portion of the conquered lands as appeared necessary ; they assigned a share for supporting the dignity of their prince and government ; they distributed other parts, under the title of fiefs, to the chiefs ; these made a new partition among their retainers ; the express condition of all these grants was, that they might be resumed at pleasure, and

that the possessor, so long as he enjoyed them, should still remain in readiness to take the field for the defence of the nation. And though the conquerors immediately separated, in order to enjoy their new acquisitions, their martial disposition made them readily fulfil the terms of their engagement; they assembled on the first alarm; their habitual attachment to the chieftain made them willingly submit to his command; and thus a regular military force, though concealed, was always ready to defend, on any emergency, the interest and honour of the community.

We are not to imagine, that all the conquered lands were seized by the northern conquerors; or that the whole of the land thus seized was subjected to those military services. This supposition is confuted by the history of all the nations on the continent. Even the idea, given us of the German manners by the Roman historian, may convince us, that this bold people would never have been content with so precarious a subsistence, or have fought to procure establishments, which were only to continue during the good pleasure of their sovereign. Though the northern chieftains accepted of lands, which, being considered as a kind of military pay, might be resumed at the will of the king or general; they also took possession of estates, which, being hereditary and independent, enabled them to maintain their native liberty, and support, without court-favour, the honour of their rank and family.

But there is a great difference, in the consequences, between the distribution of a pecuniary subsistence, and the assignment of lands burthened with the condition of military service. The delivery of the former, at the weekly, monthly, or annual terms of payment, still recalls the idea of a voluntary gratuity from the prince, and reminds the soldier of the precarious tenure by which he holds his commission. But the attachment, naturally formed with a fixed portion of land, gradually begets the idea of something like property, and makes the possessor forget his dependent situation, and the condition which was at first annexed to the grant. It seemed equitable, that one who had cultivated and sowed a field, should reap the harvest; hence fiefs, which were at first entirely precarious, were soon made annual. A man who had employed his money in building, planting, or other improvements, expected to reap the fruits of his labour or expense: hence they were next granted during a term of years. It would be thought hard to expel a man from his possessions, who had always done his duty, and performed the conditions on which he originally received them; hence the chieftains, in a subsequent period, thought themselves entitled to demand the enjoyment of their feudal lands during life. It was found, that a man would more willingly expose himself in battle, if assured that his family should inherit his possessions, and should not be left by his death in want and poverty, hence fiefs were made hereditary in families, and descended, during one age, to the son, then to the grandson, next to the brothers, and afterwards to more distant relations (*Lib Feud.*, lib 1, tit. 1) The idea of property stole in gradually upon that of military pay, and each century made some sensible addition to the stability of fiefs and tenures.

In all these successive acquisitions, the chief was supported by his



vassals; who, having originally a strong connection with him, augmented by the constant intercourse of good offices, and by the friendship arising from vicinity and dependence, were inclined to follow their leader against all his enemies, and voluntarily, in his private quarrels, paid him the same obedience to which, by their tenure, they were bound in foreign wars. While he daily advanced new pretensions to secure the possession of his superior fief, they expected to find the same advantage in acquiring stability to their subordinate ones; and they zealously opposed the intrusion of a new lord, who would be inclined, as he was fully entitled, to bestow the possession of their lands on his own favourites and retainers. Thus the authority of the sovereign gradually decayed; and each noble, fortified in his own territory by the attachment of his vassals, became too powerful to be expelled by an order from the throne, and he secured by law what he had at first acquired by usurpation.

During this precarious state of the supreme power, a difference would immediately be experienced between those portions of territory which were subjected to the feudal tenures, and those which were possessed by an allodial or free title. Though the latter possessions had at first been esteemed much preferable, they were soon found, by the progressive changes introduced into public and private law, to be of an inferior condition to the former. The possessors of a feudal territory, united by a regular subordination under one chief, and by the mutual attachments of the vassals, had the same advantages over the proprietors of the other that a disciplined army enjoys over a dispersed multitude, and were enabled to commit with impunity all injuries on their defenceless neighbours. Every one, therefore, hastened to seek that protection which he found so necessary; and each allodial proprietor, resigning his possessions into the hands of the king, or of some nobleman respected for power or valour, received them back with the condition of feudal services (Marculf. Form., 47. apud Lindenbr., p. 1238), which, though a burden somewhat grievous, brought him ample compensation, by connecting him with the neighbouring proprietors, and placing him under the guardianship of a potent chieftain. The decay of the political government thus necessarily occasioned the extension of the feudal; the kingdoms of Europe were universally divided into baronies, and these into inferior fiefs; and the attachment of vassals to their chief, which was at first an essential part of the German manners, was still supported by the same causes from which it at first arose,—the necessity of mutual protection, and the continued intercourse, between the head and the members, of benefits and services.

But there was another circumstance which corroborated these feudal dependencies, and tended to connect the vassals with their superior lord by an indissoluble bond of union. The northern conquerors, as well as the more early Greeks and Romans, embraced a policy, which is unavoidable to all nations that have made slender advances in refinement; they everywhere united the civil jurisdiction with the military power. Law, in its commencement, was not an intricate science, and was more governed by maxims of equity, which seem obvious to common sense, than by numerous and subtle principles,

applied to a variety of cases by profound reasonings from analogy. An officer, though he had passed his life in the field, was able to determine all legal controversies which could occur within the district committed to his charge; and his decision were the most likely to meet with a prompt and ready obedience, from men who respected his person, and were accustomed to act under his command. The profit arising from punishments, which were then chiefly pecuniary, was another reason for his desiring to retain the judicial power; and when his fief became hereditary, this authority, which was essential to it, was also transmitted to his posterity. The counts and other magistrates, whose power was merely official, were tempted in imitation of the feudal lords, whom they resembled in so many particulars, to render their dignity perpetual and hereditary; and in the decline of the regal power, they found no difficulty in making good their pretensions. After this manner the vast fabric of feudal subordination became quite solid and comprehensive, it formed everywhere an essential part of the political constitution, and the Norman and other barons, who followed the fortunes of William, were so accustomed to it, that they could form no idea of any other species of civil government.<sup>1</sup>

The Saxons, who conquered England, as they exterminated the ancient inhabitants, and thought themselves secured by the sea against new invaders, found it less requisite to maintain themselves in a military posture: the quantity of land, which they annexed to offices, seems to have been of small value, and for that reason continued the longer in its original situation, and was always possessed during pleasure by those who were intrusted with the command. These conditions were too precarious to satisfy the Norman barons, who enjoyed more independent possessions and jurisdictions in their own country; and William was obliged, in the new distribution of land, to copy the tenures which were now become universal on the continent. England of a sudden became a feudal kingdom (Coke on Lit, p. 1, 2. ad sect 1), and received all the advantages, and was exposed to all the inconveniences, incident to that species of civil polity.

According to the principles of the feudal law, the king was the supreme lord of the landed property: all possessors, who enjoyed the fruits or revenue of any part of it, held those privileges, either mediately or immediately, of him; and their property was conceived to be, in some degree, conditional.<sup>2</sup> The land was still apprehended to be a species of benefice, which was the original conception of a feudal property; and the vassal owed, in return for it, stated services to his baron, as the baron himself did for his land to the crown. The vassal was obliged to defend his baron in war, and the baron, at the head of his vassals, was bound to fight in defence of the king and kingdom. But besides these military services, which were casual, others were imposed of a civil nature, which were more constant and durable.

The northern nations had no idea, that any man trained up to honour, and enured to arms, was ever to be governed without his own consent,

<sup>1</sup> The ideas of the feudal government were so rooted, that even lawyers, in those ages, could not form a notion of any other constitution. \*Regnum (Bracton, lib. 11. cap. 34), quod ex comitatibus et baronibus dicitur esse constitutum.

<sup>2</sup> Somner of Gavell, p. 109, Smith de Rep, lib 11, cap. 10.

by the absolute will of another ; or that the administration of justice was ever to be exercised by the private opinion of any one magistrate, without the concurrence of some other persons, whose interest might induce them to check his arbitrary and iniquitous decisions. The king, therefore, when he found it necessary to demand any service of his barons or chief tenants, beyond what was due by their tenures, was obliged to assemble them, in order to obtain their consent : and when it was necessary to determine any controversy which might arise among the barons themselves, the question must be discussed in their presence, and be decided according to their opinion or advice. In these two circumstances of consent and advice, consisted chiefly the civil services of the ancient barons, and these implied all the considerable incidents of government. In one view, the barons regarded this attendance as their principle privilege ; in another, as a grievous burden. That no momentous affairs could be transacted without their consent and advice, was in general esteemed the great security of their possessions and dignities but as they reaped no immediate profit from their attendance at court, and were exposed to great inconvenience and charge by an absence from their own estates, every one was glad to exempt himself from each particular exertion of this power ; and was pleased both that the call for that duty should seldom return upon him, and that others should undergo the burden in his stead. The king, on the other hand, was usually anxious, for several reasons, that the assembly of the barons should be full at every stated or casual meeting, this attendance was the chief badge of their subordination to his crown, and drew them from that independence which they were apt to affect in their own castles and manors ; and where the meeting was thin or ill-attended, its determinations had less authority, and commanded not so ready an obedience from the whole community.

The case was the same with the barons in their courts, as with the king in the supreme council of the nation. It was requisite to assemble the vassals, in order to determine by their vote any question which regarded the barony ; and they sat along with the chief in all trials, whether civil or criminal, which occurred within the limits of their jurisdiction. They were bound to pay suit and service at the court of their baron ; and as their tenure was military, and consequently honourable, they were admitted into his society, and partook of his friendship. Thus, a kingdom was considered only as a great barony, and a barony as a small kingdom. The barons were peers to each other in the national council, and, in some degree, companions to the king : the vassals were peers to each other in the court of barony, and companions to their baron.<sup>1</sup>

But though this resemblance so far took place, the vassals, by the natural course of things, universally, in the feudal constitutions, fell into a greater subordination under the baron, than the baron himself under his sovereign ; and these governments had a necessary and infallible tendency to augment the power of the nobles. The great chief, residing in his country-seat, which he was commonly allowed to fortify, lost, in a great measure, his connection or acquaintance with

<sup>1</sup> Du Cange Gloss. in verb *Par.* Cujac. Commun in Lib. Feud., lib. i., tit. p. 18 ; Spelm. Gloss. in verb

the prince, and added every day new force to his authority over the vassals of the barony. They received from him education in all military exercises: his hospitality invited them to live and enjoy society in his hall their leisure, which was great, made them perpetual retainers on his person, and partakers of his country sports and amusements: they had no means of gratifying their ambition but by making a figure in his train; his favour and countenance was their greatest honour; his displeasure exposed them to contempt and ignominy: and they felt every moment the necessity of his protection, both in the controversies which occurred with other vassals, and, what was more material, in the daily inroads and injuries which were committed by the neighbouring barons. During the time of general war, the sovereign, who marched at the head of his armies, and was the great protector of the state, always acquired some accession to his authority, which he lost during the intervals of peace and tranquillity: but the loose police, incident to the feudal constitutions, maintained a perpetual though secret hostility between the several members of the state; and the vassals found no means of securing themselves against the injuries to which they were continually exposed, but by closely adhering to their chief, and falling into a submissive dependence upon him.

If the feudal government was so little favourable to the true liberty even of the military vassal, it was still more destructive of the independence and security of the other members of the state, or what, in a proper sense, we call 'the people.' A great part of them were serfs, and lived in a state of absolute slavery or villinage. the other inhabitants of the country paid their rent in services, which were in a great measure arbitrary, and they could expect no redress of injuries, in a court of barony, from men who thought they had a right to oppress and tyrannise over them. the towns were situated either within the demesnes of the king, or the lands of the great barons, and were almost entirely subjected to the absolute will of their master. The languishing state of commerce kept the inhabitants poor and contemptible, and the political institutions were calculated to render that poverty perpetual. The barons and gentry, living in rustic plenty and hospitality, gave no encouragement to the arts, and had no demand for any of the more elaborate manufactures: every profession was held in contempt but that of arms: and if any merchant or manufacturer rose by industry and frugality to a degree of opulence, he found himself but the more exposed to injuries, from the envy and the avidity of the military nobles

These concurring causes gave the feudal governments so strong a bias towards aristocracy, that the royal authority was extremely eclipsed in all the European states; and, instead of dreading the growth of monarchical power, we might rather expect that the community would everywhere crumble into so many independent baronies, and lose the political union by which they were cemented. In elective monarchies, the event was commonly answerable to this expectation; and the barons, gaining ground on every vacancy of the throne, raised themselves almost to a state of sovereignty, and sacrificed to their power both the rights of the crown and the liberties of the people. But hereditary monarchies had a principal of authority which was not

so easily subverted; and there were several causes which still maintained a degree of influence in the hands of the sovereign.

The greatest baron could never lose view entirely of those principles of the feudal constitution which bound him, as a vassal, to submission and fealty towards his prince; because he was every moment obliged to have recourse to those principles, in exacting fealty and submission from his own vassals. The lesser barons, finding that the annihilation of royal authority left them exposed, without protection, to the insults and injuries of more potent neighbours, naturally adhered to the crown and promoted the execution of general and equal laws. The people had still a stronger interest to desire the grandeur of the sovereign; and the king, being the legal magistrate, who suffered by every internal convulsion or oppression, and who regarded the great nobles as his immediate rivals, assumed the salutary office of general guardian or protector of the commons. Besides the prerogatives with which the law invested him, his large demesnes and numerous retainers rendered him, in one sense, the greatest baron in his kingdom; and where he was possessed of personal vigour and abilities (for his situation required these advantages), he was commonly able to preserve his authority, and maintain his station as head of the community, and the chief fountain of law and justice.

The first kings of the Norman race were favoured by another circumstance, which preserved them from the encroachments of their barons. They were generals of a conquering army, which was obliged to continue in a military posture, and to maintain great subordination under their leader, in order to secure themselves from the revolt of the numerous natives, whom they had bereaved of all their properties and privileges. But though this circumstance supported the authority of William and his immediate successors, and rendered them extremely absolute, it was lost as soon as the Norman barons began to incorporate with the nation, to acquire a security in their possessions, and to fix their influence over their vassals, tenants, and slaves. And the immense fortunes which the Conqueror had bestowed on his chief captains, served to support their independence, and make them formidable to the sovereign.

He gave, for instance, to Hugh de Abrincis, his sister's son, the whole county of Chester, which he erected into a palatinate, and rendered by his grant almost independent of the crown (Camd. in Chesh., Spel. Gloss., in verb. *Comes Palatinus*). Robert, Earl of Mortaigne, had 973 manors and lordships; Allan, Earl of Brittany and Richmond, 442; Odo, Bishop of Baieux, 439 (Brady's Hist. pp. 198, 200); Geoffrey, Bishop of Coutance, 280 (Order. Vital); Walter Giffard, Earl of Buckingham, 107; William, Earl Warrenne, 298, besides 28 towns or hamlets in Yorkshire; Todenei, 81; Roger Bigod, 123; Robert, Earl of Eu, 119; Roger Mortimer, 132, besides several hamlets; Robert de Stafford, 130; Walter de Eurus, Earl of Salisbury, 46; Geoffrey de Mandeville, 118; Richard de Clare, 171; Hugh de Beauchamp, 47; Baldwin de Ridvers, 164; Henry de Ferrers, 222; William de Percy, 119;<sup>1</sup> Norman d'Arcy, 33.<sup>2</sup> Sir Henry Spelman

<sup>1</sup> Dugdale's Baron., Domesday Book, vol. I., p. 60, 74, in, pp. 122, 132, 136, 138, 156, 174, 200, 207, 223, 254, 257, 269.

<sup>2</sup> Ibid., p. 369. It is remarkable that this family of d'Arcy seems to be the only male

computes that, in the large county of Norfolk, there were not, in the Conqueror's time, above sixty-six proprietors of land (Spel. Gloss., in verb. *Domesday*) Men possessed of such princely revenues and jurisdictions could not long be retained in the rank of subjects. The great Earl Warrenne, in a subsequent reign, when he was questioned concerning his right to the lands which he possessed, drew his sword, which he produced as his title; adding, that William the Bastard did not conquer the kingdom himself, but that the barons, and his ancestor among the rest, were joint adventurers in the enterprise.<sup>1</sup>

The supreme legislative power of England was lodged in the king and great council, or what was afterwards called the parliament. It is not doubted but the archbishops, bishops, and most considerable abbots were constituent members of this council. They sat by a double title, by prescription, as having always possessed that privilege, through the whole Saxon period, from the first establishment of Christianity; and by their right of baronage, as holding of the king *in capite* by military service. These two titles of the prelates were never accurately distinguished. When the usurpations of the church had risen to such a height as to make the bishops affect a separate dominion, and regard their seat in parliament as a degradation of their episcopal dignity, the king insisted that they were barons, and, on that account, obliged, by the general principles of the feudal law, to attend on him in his great councils (Spel. Gloss., in verb. *Baro.*). Yet there still remained some practices, which supposed their title to be derived merely from ancient possession. When a bishop was elected, he sat in parliament before the king had made him restitution of his temporalities; and during the vacancy of a see, the guardian of the spiritualities was summoned to attend along with the bishops.

The barons were another constituent part of the great council of the nation. These held immediately of the crown by a military tenure; they were the most honourable members of the state, and had a right to be consulted in all public deliberations, they were the immediate vassals of the crown, and owed as a service their attendance in the court of their supreme lord. A resolution taken without their consent was likely to be but ill executed; and no determination of any cause or controversy among them had any validity, where the vote and advice of the body did not concur. The dignity of earl or count was official and territorial, as well as hereditary, and as all the earls were also barons, they were considered as military vassals of the crown, were admitted in that capacity into the general council, and formed the most honourable and powerful branch of it.

But there was another class of the immediate military tenants of the crown, no less, or probably more, numerous than the barons, the tenants *in capite* by knight's service; and these, however inferior in power or property, held by a tenure which was equally honourable with that of the others. A barony was commonly composed of several knight's fees, and though the number seems not to have been exactly

descendants of any of the Conqueror's barons now remaining among the peers. Lord Holder-ness is the heir of that family.

<sup>1</sup> Dug. Bar., vol. 1, p. 79, *Ibid.* Origines Juridicales, p. 13.

defined, seldom consisted of less than fifty hides of land,<sup>1</sup> but where a man held of the king only one or two knight's fees, he was still an immediate vassal of the crown, and as such had a title to have a seat in the general councils. But as this attendance was usually esteemed a burthen, and one too great for a man of slender fortune to bear constantly, it is probable that, though he had a title, if he pleased, to be admitted, he was not obliged, by any penalty, like the barons, to pay a regular attendance. All the immediate military tenants of the crown amounted not fully to 700, when Domesday-book was framed; and as the members were well pleased, on any pretext, to excuse themselves from attendance, the assembly was never likely to become too numerous for the despatch of public business.

So far the nature of a general council, or ancient parliament, is determined without any doubt or controversy. The only question seems to be with regard to the commons, or the representatives of counties and boroughs, whether they were also, in more early times, constituent parts of parliament? This question was once disputed in England with great acrimony, but such is the force of time and evidence, that they can sometimes prevail even over faction, and the question seems, by general consent, and even by their own, to be at last determined against the ruling party. It is agreed, that the commons were no part of the great council, till some ages after the conquest, and that the military tenants alone of the crown composed that supreme and legislative assembly.

The vassals of a baron were by their tenure immediately dependent on him, owed attendance at his court, and paid all their duty to the king, through that dependence which their lord was obliged by his tenure to acknowledge to his sovereign and superior. Their land, comprehended in the barony, was represented in parliament by the baron himself, who was supposed, according to the fictions of the feudal law, to possess the direct property of it, and it would have been deemed incongruous to give it any other representation. They stood in the same capacity to him, that he and the other barons did to the king: the former were peers of the barony; the latter were peers of the realm. The vassals possessed a subordinate rank within their district; the baron enjoyed a superior dignity in the great assembly. They were in some degree his companions at home; he the king's companion at court; and nothing can be more evidently repugnant to all feudal ideas, and to that gradual subordination which was essential to those ancient institutions, than to imagine that the king would apply either for the advice or the consent of men who were of a rank so much inferior, and whose duty was immediately paid to the mesne lord, that was interposed between them and the throne (*Spelman, Gloss., in verb. Baro*).

If it be unreasonable to think that the vassals of a barony, though their tenure was military and noble and honourable, were ever summoned to give their opinion in national councils, much less can it be

<sup>1</sup> Four hides made one knight's fee, the relief of a barony was twelve times greater than that of a knight's fee; whence we may conjecture its usual value. *Spelm Gloss in verb. Feudum*. There were 243,600 hides in England, 60,215 knight's fees, whence it is evident that there were a little more than four hides in each knight's fee.

supposed, that the tradesmen or inhabitants of boroughs, whose condition was so much inferior, would be admitted to that privilege. It appears from Domesday, that the greatest boroughs were, at the time of the conquest, scarcely more than country villages; and that the inhabitants lived in entire dependence on the king or great lords, and were of a station little better than servile.<sup>1</sup> They were not then so much as incorporated; they formed no community; were not regarded as a body politic, and being really nothing but a number of low dependent tradesmen, living, without any particular civil tie, in neighbourhood together, they were incapable of being represented in the states of the kingdom. Even in France, a country which made more early advances in arts and civility than England, the first corporation is sixty years posterior to the conquest under the Duke of Normandy; and the erecting of these communities was an invention of Lewis the Gross, in order to free the people from slavery under the lords, and to give them protection, by means of certain privileges and a separate jurisdiction (Du Cange's Gloss, in verb. *Commune, Communitas*). An ancient French writer calls them a new and wicked device, to procure liberty to slaves, and encourage them in shaking off the dominion of their masters (Guibertus de Vita sua, lib iii, cap 7). The famous charter as it is called, of the Conqueror to the city of London, though granted at a time when he assumed the appearance of gentleness and lenity, is nothing but a letter of protection, and a declaration that the citizens should not be treated as slaves (Stat of Merton, 1235, cap. vi). By the English feudal law, the superior lord was prohibited from marrying his female vassal to a burgess or a villain (Hollingshed, vol. iii, p. 15); so near were these two ranks esteemed to each other, and so much inferior to the nobility and gentry. Besides possessing the advantages of birth, riches, civil powers, and privileges, the nobles and gentlemen alone were armed, a circumstance which gave them a mighty superiority, in an age when nothing but the military profession was honourable, and when the loose execution of laws gave so much encouragement to open violence, and rendered it so decisive in all disputes and controversies (Madox's Baion Angl, p 19).

The great similarity among the feudal governments of Europe is well known to every man that has any acquaintance with ancient history; and the antiquaries of all foreign countries, where the question was never embarrassed by party disputes, have allowed that the commons came very late to be admitted to a share in the legislative power. In Normandy particularly, whose constitution was most likely to be William's model in raising his new fabric of English government, the states were entirely composed of the clergy and nobility; and the first incorporated boroughs or communities of that duchy were Rouen and Falaise, which enjoyed their privileges by a grant of Philip Augustus in the year 1207.<sup>2</sup> All the ancient English historians, when they mention the great council of the nation, call it an assembly of the baronage, nobility, or great men, and none of their expressions, though several hundred passages might be produced, can, without the utmost violence, be tortured to a

<sup>1</sup> *Libër homo* anciently signified a gentleman, for scarce any one beside was entirely free. Spelm Gloss, in verbo

<sup>2</sup> Norman. Du Chesne, p. 1066, Du Cange Gloss, in verb. *Commune*.



meaning which will admit the commons to be constituent members of that body<sup>1</sup> If in the long period of 200 years which elapsed between the conquest and the latter end of Henry III., and which abounded in factions, revolutions, and convulsions of all kinds, the House of Commons never performed one single legislative act so considerable as to be once mentioned by any of the numerous historians of that age, they must have been totally insignificant; and in that case, what reason can be assigned for their ever being assembled? Can it be supposed that men of so little weight or importance possessed a negative voice against the king and the barons? Every page of the subsequent histories discovers their existence; though these histories are not written with greater accuracy than the preceding ones, and, indeed, scarcely equal them in that particular. The Magna Charta of King John provides that no scutage or aid should be imposed, either on the land or towns, but by consent of the great council; and for more security, it enumerates the persons entitled to a seat in that assembly, the prelates and immediate tenants of the crown, without any mention of the commons an authority so full, certain, and explicit, that nothing but the zeal of party could ever have procured credit to any contrary hypothesis.

It was probably the example of the French barons which first emboldened the English to require greater independence from their sovereign; it is also probable that the boroughs and corporations of England were established in imitation of those of France. It may, therefore, be proposed as no unlikely conjecture, that both the chief privileges of the peers in England and the liberty of the commons were originally the growth of that foreign country.

In ancient times, men were little solicitous to obtain a place in the legislative assemblies; and rather regarded their attendance as a burden, which was not compensated by any return of profit or honour proportionate to the trouble and expense. The only reason for instituting those public councils was, on the part of the subjects, that they desired some security from the attempts of arbitrary power; and on the part of the sovereign, that he despaired of governing men of such independent spirits without their own consent and concurrence. But the commons, or the inhabitants of boroughs, had not as yet reached such a degree of consideration as to desire security against their prince, or to imagine that, even if they were assembled in a representative body, they had power or rank sufficient to enforce it. The only protection which they aspired to was against the immediate violence and injustice of their fellow-citizens, and this advantage each of them looked for from the courts of justice, or from the authority of

<sup>1</sup> Sometimes the historians mention the people, *populus*, as a part of the parliament; but they always mean the laity, in opposition to the clergy. Sometimes the word *communitas* is found, but it always means *communitas baronagii*. These points are clearly proved by Dr. Brady. There is also mention sometimes, made of a crowd or multitude that thronged into the great council on particular interesting occasions, but as deputies from boroughs are never once spoke of, the proof, that they had not then any existence, becomes the more certain and undeniable. These never could make a crowd, as they must have had a regular place assigned them, if they had made a regular part of the legislative body. There were only 130 boroughs who received writs of summons from Edward I. It is expressly said in Gesta Reg. Steph., p. 932, that it was usual for the populace, *vulgus*, to crowd into the great councils, where they were plainly mere spectators, and could only gratify their curiosity.

some great lord, to whom by law or his own choice he was attached. On the other hand, the sovereign was sufficiently assured of obedience in the whole community if he procured the concurrence of the nobles; nor had he reason to apprehend that any order of the state could resist his and their united authority. The military sub-vassals could entertain no idea of opposing both their prince and their superiors, the burgesses and tradesmen could much less aspire to such a thought; and thus, even if history were silent on the head, we have reason to conclude, from the known situation of society during those ages, that the commons were never admitted as members of the legislative body.

The executive power of the Anglo-Norman government was lodged in the king. Besides the stated meetings of the national council at the three great festivals of Christmas, Easter, and Whitsuntide,<sup>1</sup> he was accustomed, on any sudden exigence, to summon them together. He could at his pleasure command the attendance of his barons and their vassals, in which consisted the military force of the kingdom; and could employ them during forty days either in resisting a foreign enemy, or reducing his rebellious subjects. And, what was of great importance, the whole judicial power was ultimately in his hands, and was exercised by officers and ministers of his appointment.

The general plan of the Anglo-Norman government was, that the court of barony was appointed to decide such controversies as arose between the several vassals or subjects of the same barony, the hundred-court and county-court, which were still continued as during the Saxon times,<sup>2</sup> to judge between the subjects of different baronies,<sup>3</sup> and the *curia regis*, or king's court, to give sentence among the barons themselves (Biady Pief, p. 143). But this plan, though simple, was attended with some circumstances, which, being derived from a very extensive authority assumed by the Conqueror, contributed to increase the royal prerogative; and as long as the state was not disturbed by arms, reduced every order of the community to some degree of dependence and subordination.

The king himself often sat in his court, which always attended his person (Madox Hist of Exch., p. 103). He there heard causes and pronounced judgment (Biaction, lib. iii., cap. 9, § 1, cap. 10 § 1); and though he was assisted by the advice of the other members, it is not to be imagined that a decision could easily be obtained contrary to his inclination or opinion. In his absence the chief justiciary presided, who was the first magistrate in the state, and a kind of viceroy, on whom depended all the civil affairs of the kingdom (Spelm. Gloss, in

<sup>1</sup> Dugd Orig Jurid, p. 15, Spelm. Gloss, in verb *Parlamentum*.

<sup>2</sup> Ang. Sacra, vol. 1, p. 334, etc. Dugd. Orig Jurid, p. 27, 29, Madox Hist of Exch., p. 75, 76, Spelm. Gloss in verb *hundred*.

<sup>3</sup> None of the feudal governments in Europe had such institutions as the county courts, which the great authority of the Conqueror still retained from the Saxon customs. All the freeholders of the county, even the greatest barons, were obliged to attend the sheriffs in these courts, and to assist them in the administration of justice. By this means, they received frequent and sensible admonitions of their dependence on the king or supreme magistrate, they formed a kind of community with their fellow-barons and freeholders, they were often drawn from their individual and independent state, peculiar to the feudal system, and were made members of a political body, and, perhaps, this institution of county-courts in England has had greater effects on the government, than has yet been distinctly pointed out by historians, or traced by antiquaries. The barons were never able to free themselves from this attendance on the sheriffs and itinerant justices till the reign of Henry III.

verb. *Justiciarii*) The other chief officers of the crown, the constable, mareschal, seneschal, chamberlain, treasurer, and chancellor,<sup>1</sup> were members, together with such feudal barons as thought proper to attend, and the barons of the Exchequer, who at first were also feudal barons, appointed by the king.<sup>2</sup> This court, which was sometimes called the king's court, sometimes the court of Exchequer, judged in all causes, civil and criminal, and comprehended the whole business which is now shared out among four courts, the Chancey, the King's Bench, the Common Pleas, and the Exchequer (Madox Hist. of Exch., pp. 56, 70)

Such an accumulation of powers was itself a great source of authority, and rendered the jurisdiction of the court formidable to all the subjects; but the turn which judicial trials took soon after the conquest, served still more to increase its authority, and to augment the royal prerogatives. William, among the other violent changes which he attempted and effected, had introduced the Norman law into England,<sup>3</sup> had ordered all the pleadings to be in that tongue, and had interwoven with the English jurisprudence, all the maxims and principles which the Normans, more advanced in cultivation, and naturally litigious, were accustomed to observe in the distribution of justice. Law now became a science, which at first fell entirely into the hands of the Normans, and which, even after it was communicated to the English, required so much study and application, that the laity in those ignorant ages were incapable of attaining it, and it was a mystery almost solely confined to the clergy, and chiefly to the monks (Malm., lib. iv., p. 123). The great officers of the crown and the feudal barons, who were military men, found themselves unfit to penetrate into those obscurities, and though they were entitled to a seat in the supreme judicature, the business of the court was wholly managed by the chief justiciary and the law barons, who were men appointed by the king, and entirely at his disposal (Dugd. Orig. Jurid., p. 25). This natural course of things was forwarded by the multiplicity of business which flowed into that court, and which daily augmented by the appeals from all the subordinate judicatures of the kingdom.

In the Saxon times, no appeal was received in the king's court, except upon the denial or delay of justice by the inferior courts, and the same practice was still observed in most of the feudal kingdoms of Europe. But the great power of the Conqueror established at first in England an authority which the monarchs in France were not able to attain till the reign of St. Lewis, who lived near two centuries after. He empowered his court to receive appeals both from the courts of barony and the county courts, and by that means brought the administration of justice ultimately into the hands of the sovereign.<sup>4</sup> And lest the expense or trouble of a journey to court should discourage suitors, and make them acquiesce in the decision of the inferior judicatures, itinerant judges were afterwards established, who made

<sup>1</sup> Madox History of the Exchequer, p. 27, 29, 33, 38, 41, 54. The Normans introduced the practice of sealing charters, and the chancellor's office was to keep the great seal. Ingulph. Dugd., p. 33, 34.

<sup>2</sup> Madox Hist. of the Exch., p. 134, 135. Gerv. Dorob., p. 1387.

<sup>3</sup> Dial. de Scac., p. 30, apud Madox Hist. of the Exchequer.

<sup>4</sup> Madox Hist. of the Exch., p. 65. Glanv., lib. xii., cap. 1, 7. LL. Hen. I., § 31, apud Wilkins, p. 248. Fitz-Stephens, p. 36. Coke's Com. on Stat. of Mulbridge, cap. xx.

their circuits throughout the kingdom, and tried all causes that were brought before them.<sup>1</sup> By this expedient, the courts of barony were kept in awe; and if they still preserved some influence, it was only from the apprehensions which the vassals might entertain of disobliging their superior by appealing from his jurisdiction. But the county courts were much discredited, and as the freeholders were found ignorant of the intricate principles and forms of the new law, the lawyers gradually brought all business before the king's judges, and abandoned the ancient simple and popular judicature. After this manner, the formalities of justice, which, though they appear tedious and cumbersome, are found requisite to the support of liberty in all monarchical governments, proved at first by a combination of causes, very advantageous to royal authority in England.

The power of the Norman kings was also much supported by a great revenue, and by a revenue that was fixed, perpetual, and independent of the subject. The people, without betaking themselves to arms, had no check upon the king, and no regular security for the due administration of justice. In those days of violence, many instances of oppression passed unheeded, and soon after were openly pleaded as precedents, which it was unlawful to dispute or control. Princes and ministers were too ignorant to be themselves sensible of the advantages attending an equitable administration, and there was no established council or assembly which could protect the people, and by withdrawing supplies, regularly and peaceably admonish the king of his duty, and insure the execution of the laws.

The first branch of the king's stated revenue was the royal demesnes or crown lands, which were very extensive, and comprehended, besides a great number of manors, most of the chief cities of the kingdom. It was established by law, that the king could alienate no part of his demesne, and that he himself, or his successor, could at any time resume such donations,<sup>2</sup> but this law was never regularly observed, which happily rendered in time the crown somewhat more dependent. The rent of the crown lands, considered merely as so much riches, was a source of power, the influence of the king over his tenants and the inhabitants of his towns increased this power; but the other numerous branches of his revenue, besides supplying his treasury, gave by their very nature a great latitude to arbitrary authority, and were a support of the prerogative, as will appear from an enumeration of them.

The king was never content with the stated rents, but levied heavy tallages at pleasure on the inhabitants both of town and country, who lived within his demesne. All bargains of sale, in order to prevent theft, being prohibited, except in boroughs and public markets (LL. Will. i., cap. 61), he pretended to exact tolls on all goods which were there sold (Madox, p. 530). He seized two hogsheads, one before and one behind the mast, from every vessel that imported wine. All

<sup>1</sup> Madox Hist. of the Exch., p. 83, 84, 100, Gerv. Dorob., p. 1410. What made the Anglo-Norman baron more readily submit to appeals from their court to the king's Court of Exchequer, was, their being accustomed to like appeals in Normandy to the ducal court of Exchequer. Gilbert's Hist. of the Exch., p. 1, 2, though the author thinks it doubtful whether the Norman court was not rather copied from the English, p. 6.

<sup>2</sup> Fleta, lib. 1, cap. 8, § 17, lib. 11, cap. 6, § 3, Bracton, lib. 1, cap. 5.

goods paid to his customs a proportional part of their value;<sup>1</sup> passage over bridges and on rivers was loaded with tolls at pleasure (Madox, p. 529); and though the boroughs by degrees bought the liberty of farming these impositions, yet the revenue profited by these bargains; new sums were often exacted for the renewal and confirmation of their charters,<sup>2</sup> and the people were held in perpetual dependence.

Such was the situation of the inhabitants within the royal demesnes. But the possessors of land, or the military tenants, though they were better protected, both by law and by the great privilege of carrying arms, were from the nature of their tenures much exposed to the inroads of power, and possessed not what we should esteem in our age, a very durable security. The Conqueror ordained that the barons should be obliged to pay nothing beyond their stated services (L.L. Will. Conq., § 55), except a reasonable aid to ransom his person if he were taken in war, to make his eldest son a knight, and to marry his eldest daughter. What should on these occasions be deemed a reasonable aid was not determined; and the demands of the crown were so far discretionary.

The king could require in war the personal attendance of his vassals, that is, of almost all the landed proprietors; and if they declined the service, they were obliged to pay him a composition in money, which was called a scutage. The sum was, during some reigns, precarious and uncertain, it was sometimes levied without allowing the vassal the liberty of personal service (Gervase de Tilbury, p. 25); and it was a usual artifice of the king's to pretend an expedition, that he might be entitled to levy the scutage from his military tenants. Danegelt was another species of land-tax levied by the early Norman kings, arbitrarily, and contrary to the laws of the Conqueror (Madox's Hist. of the Exch., p. 475). Moneyage was also a general land-tax of the same nature, levied by the two first Norman kings, and abolished by the charter of Henry I (Matt. Paris, p. 38). It was a shilling paid every three years by each hearth, to induce the king not to use his prerogative in debasing the coin. Indeed, it appears from that charter, that though the Conqueror had granted his military tenants an immunity from all taxes and tallages, he and his son William had never thought themselves bound to observe that rule, but had levied impositions at pleasure on all the landed estates of the kingdom. The utmost that Henry grants is, that the land cultivated by the military tenant himself shall not be so burdened, but he reserves the power of taxing the farmers; and as it is known, that Henry's charter was never observed in any one article, we may be assured, that this prince and his successors retracted even this small indulgence, and levied arbitrary impositions on all the lands of all their subjects. These taxes are sometimes very heavy, since Malmesbury tells us, that in the reign of William II., the farmers, on account of them, abandoned tillage, and a famine ensued.<sup>3</sup>

The escheats were a great branch both of power and of revenue,

<sup>1</sup> Madox, p. 529. This author says a fifteenth, but it is not easy to reconcile this account to other authorities.

<sup>2</sup> Madox's Hist. of the Exch., p. 275, 276, 277, etc.

<sup>3</sup> So also Chron. Abb. St. Petri de Burgo, p. 55, Knyghton, p. 2366.

especially during the first reigns after the conquest. In default of posterity from the first baron, his land reverted to the crown, and continually augmented the king's possessions. The prince had indeed by law a power of alienating these escheats; but by this means he had an opportunity of establishing the fortunes of his friends and servants, and thereby enlaing his authority. Sometimes he retained them in his own hands, and they were gradually confounded with the royal demesnes, and became difficult to be distinguished from them. This confusion is probably the reason why the king acquired the right of alienating his demesnes

But besides escheats from default of heirs, those which ensued from crimes or breach of duty towards the superior lord, were frequent in ancient times. If the vassal, being thrice summoned to attend his superior's court, and do fealty, neglected or refused obedience, he forfeited all title to his land (Hottom de Feud. Disp., cap xxxviii., col. 886). If he denied his tenure, or refused his service, he was exposed to the same penalty (Lib. Feud., lib. iii., tit. 1, 4, tit. lib., 21, 39). If he sold his estate without licence from his lord (Ibid., lib. 1, tit. 21), or if he sold it upon any other tenure or title than that by which he himself held it (Ibid., lib. iv., tit. 44), he lost all right to it. The adhering to his lord's enemies (Ibid., lib. iii., tit. 1), deserting him in war (Ibid., lib. iv., tit. 14, 21), betraying his secrets (Ibid., lib. iv., tit. 14), debauching his wife or his near relations (Ibid., lib. 1, tit. 14, 21), or even using indecent freedoms with them (Ibid., lib. 1, tit. 1), might be punished by forfeiture. The higher crimes, rapes, robbery, murder, arson, etc., were called felony, and being interpreted want of fidelity to his lord, made him lose his fief (Spelm. Gloss., in verb. *Felonia*). Even where the felon was vassal to a baron, though his immediate lord enjoyed the forfeiture, the king might retain possession of his estate during a twelvemonth, and had the right of spoiling and destroying it, unless the baron paid him a reasonable composition.<sup>1</sup> We have not here enumerated all the species of felonies, or of crimes by which forfeiture was incurred; we have said enough to prove that the possession of feudal property was somewhat precarious, and that the primary idea was never lost, of its being a kind of fee or benefice.

When a baron died, the king immediately took possession of the estate; and the heir, before he recovered his right, was obliged to make application to the crown, and desire that he might be admitted to do homage for his land, and pay a composition to the king. This composition was not at first fixed by law, at least by practice; the king was often exorbitant in his demands, and kept possession of the land till they were complied with.

If the heir were a minor, the king retained the whole profit of the estate till his majority, and might grant what sum he thought proper for the education and maintainance of the young baron. This practice was also founded on the notion that a fief was a benefice, and that, while the heir could not perform his military services, the revenue devolved to the superior who employed another in his stead. It is obvious that a great proportion of the landed property must, by means of this device, be continually in the hands of the prince, and that all

<sup>1</sup> Spelm. Gloss., in verb. *Felonia*. Glanville, lib. vii., cap. 17

the noble families were thereby held in perpetual dependence. When the king granted the wardship of a rich heir to any one, he had the opportunity of enriching a favourite or minister, if he sold it, he thereby levied a considerable sum of money. Simon de Mountfort paid Henry III. 10,000 marks, an immense sum in those days, for the wardship of Gilbert de Umfreville (Madox's Hist. of the Exch., p. 223). Geoffrey de Mandeville paid to the same prince the sum of 20,000 marks, that he might marry Isabel, Countess of Gloucester, and possess all her lands and knight's fees. This sum would be equivalent to 300,000*l.*, perhaps 400,000*l.* in our time (Ibid., p. 322).

If the heir were a female, the king was entitled to offer her any husband of her rank he thought proper, and if she refused him she forfeited her land. Even a male heir could not marry without the royal consent, and it was usual for men to pay large sums for the liberty of making their own choice in marriage (Ibid., p. 320). No man could dispose of his land, either by sale or will, without the consent of his superior. The possessor was never considered as full proprietor, he was still a kind of beneficiary, and could not oblige his superior to accept of any vassal that was not agreeable to him.

Fines, amerciaments, and oblatas, as they were called, were another considerable branch of the royal power and revenue. The ancient records of the exchequer, which are still preserved, give surprising accounts of the numerous fines and amerciaments levied in those days (Ibid., p. 272), and of the strange inventions fallen upon to exact money from the subject. It appears that the ancient kings of England put themselves entirely on the foot of the barbarous Eastern princes, whom no man must approach without a present, who sell all their good offices, and who intrude themselves into every business that they may have a pretence for extorting money. Even justice was avowedly bought and sold, the king's court itself, though the supreme judicature of the kingdom, was open to none that brought not presents to the king, the bribes given for the expedition, delay (Ibid., p. 274, 309), suspension, and doubtless, for the perversion of justice, were entered in the public registers of the royal revenue, and remain as monuments of the perpetual iniquity and tyranny of the times. The barons of the exchequer for instance, the first nobility of the kingdom, were not ashamed to insert as an article in their records, that the county of Norfolk paid a sum that they might be fairly dealt with (Ibid., p. 295); the borough of Yarmouth, that the king's charters, which they have for their liberties, might not be violated (Ibid., *ibid.*); Richard, son of Gilbert, for the king's helping him to recover his debt from the Jews,<sup>1</sup> Seilo, son of Teilavaston, that he might be permitted to make his defence in case he were accused of a certain homicide (Ibid., p. 296); Walter de Burton for free law, if accused of wounding another (Ibid., *ibid.*); Robert de Essart, for having an inquest to find whether Roger, the butcher, and Wace and Humphrey, accused him of robbery and theft out of envy and ill-will or not (Ibid., p. 298); William Buburst, for having an inquest to find whether he were accused of the death of one Godwin out of ill-will or for just cause (Ibid., p. 302). I have selected these few instances from a great

<sup>1</sup> Madox's Hist. of Exch., p. 296. He paid 200 marks, a great sum in those days.

number of a like kind, which Madox had selected from a still greater number preserved in the rolls of the Exchequer (chap. xii.).

Sometimes the party litigant offered the king a certain portion, a half, a third, a fourth, payable out of the debts, which he as the executor of justice, should assist him in recovering (Madox's Hist. of Exch., p. 311). Theophania de Westland agreed to pay the half of 212 marks, that she might recover that sum against James de Fughleston (Ibid, *ibid*); Solomon the Jew engaged to pay one mark out of every seven, that he should recover against Hugh de la Hose (Ibid., pp. 79, 312); Nicholas Morrel promised to pay 60*l*, that the Earl of Flanders might be distrained to pay him 343*l*, which the earl had taken from him, and these 60*l* were to be paid out of the first money that Nicholas should recover from the earl (Ibid., p. 312).

As the king assumed the entire power over trade, he was to be paid for a permission to exercise commerce or industry of any kind (Ibid., p. 323). Hugh Oisel paid 400 marks, for liberty to trade in England (Ibid., *ibid*); Nigel de Havene gave fifty marks, for the partnership in merchandise which he had with Geivase de Hanton (Ibid, *ibid*), the men of Worcester paid 100*s*., that they might have the liberty of selling and buying dyed cloth as formerly (Ibid, p. 324); several other towns paid for a like liberty (Ibid., *ibid*) The commerce indeed of the kingdom was so much under the control of the king, that he erected gilds, corporations, and monopolies, wherever he pleased, and levied sums for these exclusive privileges (Ibid, pp. 232).

There were no profits so small as to be below the king's attention. Henry, son of Arthur, gave ten dogs to have a recognition against the Countess of Copland for one knight's fee (Ibid, p. 298). Roger, son of Nicholas, gave twenty lampreys and twenty shads for an inquest to find whether Gilbert, son of Alured, gave to Roger 200 muttons to obtain his confirmation for certain lands, or whether Roger took them from him by violence (Ibid, p. 305), Geoffrey Fitz-Pierre, the chief justiciary, gave two good Norway hawks, that Walter le Madine might have leave to export a hundredweight of cheese out of the king's dominions (Ibid, p. 325).

It is really amusing to remark the strange business in which the king sometimes interfered, and never without a present; the wife of Hugh de Neville gave the king 200 hens, that she might lie with her husband one night (Ibid, p. 326), and she brought with her two sureties who answered each for a hundred hens. It is probable that her husband was a prisoner, which debarred her from having access to him. The abbot of Rucford paid ten marks, for leave to erect houses and place men upon his land near Welhang, in order to secure his wood there from being stolen (Ibid.), Hugh, Archdeacon of Wells, gave one tun of wine, for leave to carry 600 summs of corn whither he would (Ibid., p. 320); Peter de Peraris gave twenty marks, for leave to salt fishes as Peter Chevalier used to do (Ibid, p. 326)

It was usual to pay high fines, in order to gain the king's good-will or mitigate his anger. In the reign of Henry II., Gilbert, the son of Fergus, fines in 919*l* 9*s*. to obtain that prince's favour; William de Chaignes 1000 marks, that he would remit his displeasure. In the reign of Henry III, the city of London fines in no less a sum than 20,000*l*. on the same account (Ibid., pp. 327, 329).



The king's protection and good offices of every kind were bought and sold. Robert Grislet paid twenty marks of silver, that the king would help him against the Earl of Mortaigne in a certain plea (*Madox's Hist. of Exch.*, p. 329); Robert de Cundet gave 30 marks of silver, that the king would bring him to an accord with the Bishop of Lincoln (*Ibid.*, p. 330), Ralph de Breckham gave a hawk, that the king would protect him (*Ibid.*, p. 332), and this is a very frequent reason for payments; John, son of Ordgar, gave a Norway hawk to have the king's request to the king of Norway to let him have his brother Godard's chattels (*Ibid.*, *ibid.*); Richard de Neville gave twenty palfreys, to obtain the king's request to Isolda Bisset, that she should take him for a husband (*Ibid.*, p. 333); Roger Fitz-Walter gave three good palfreys, to have the king's letter to Roger Bertram's mother, that she should marry him (*Ibid.*, *ibid.*), Eling, the dean, paid 100 marks, that his whore and his children might be let out upon bail (*Ibid.*, p. 342; 'Pro habenda amica sua et filius,' etc.), the Bishop of Winchester gave one tun of good wine for his not putting the king in mind to give a girdle to the Countess of Albemarle (*Ibid.*, p. 352); Robert de Veaux gave five of the best palfreys, that the king would hold his tongue about Henry Pinel's wife (*Ibid.*, *ibid.*; 'Ut rex taceret de uxore Henrici Pinel'). There are in the records of Exchequer, many other singular instances of a like nature.<sup>1</sup> It will however be just to remark that the same ridiculous practices and dangerous abuses prevailed in Normandy, and probably in all the other states of Europe (*Madox's History of Exchequer*, p. 359). England was not, in this respect, more barbarous than its neighbours.

These iniquitous practices of the Norman kings were so well known, that, on the death of Hugh Bigod, in the reign of Henry II., the best and most just of these princes, the eldest son and the widow of this nobleman came to court, and strove, by offering large presents to the king, each of them to acquire possession of that rich inheritance. The king was so equitable as to order the cause to be tried by the great council. But in the meantime he seized all the money and treasure of the deceased (Bened. Abb., p. 180, 181). Peter of Blois, a judicious, and even an elegant writer for that age, gives a pathetic description of the

<sup>1</sup> We shall gratify the reader's curiosity by subjoining a few more instances from *Madox*, p. 332. Hugh Oisel was to give the king two robes of a good green colour, to have the king's letters patent to the merchants of Flanders, with a request to render him 1000 marks, which he lost in Flanders. The Abbot of Hyde paid thirty marks, to have the king's letters of request to the Archbishop of Canterbury, to remove certain monks that were against the abbot. Roger de Trihanton paid twenty marks and a palfrey, to have the king's request to Richard de Umfreville to give him his sister to wife, and to the sister that she would accept of him for a husband. William de Cheveringworth paid five marks to have the king's letter to the Abbot of Persore, to let him enjoy peaceably his tithes as formerly. Matthew de Hereford, clerk, paid ten marks for a letter of request to the Bishop of Landaff, to let him enjoy peaceably his church of Schenfrith. Andrew Neulun gave three Flemish caps, for the king's request to the Prior of Chikesand, for performance of an agreement made between them. Henry de Fontibus gave a Lombardy horse of value, to have the king's request to Henry Fitz-Harvey, that he would give him his daughter to wife. Roger, son of Nicholas, promised all the lampreys he could get, to have the king's request to Earl William Marshal, that he would grant him the manor of Langford at Firm. The burgesses of Gloucester promised 300 lampreys, that they might not be distrained to find the prisoners of Poitou with necessaries, unless they pleased. *Ibid.*, p. 352. Jordan, son of Reginald, paid twenty marks to have the king's request to William Paniel, that he would grant him the land of Mill Nierenuit, and the custody of his heirs; and if Jordan obtained the same, he was to pay the twenty marks, otherwise not. *Ibid.*, p. 333.

### 334 *Commerce of England long in hands of the Jews.*

venality of justice, and the oppressions of the poor, under the reign of Henry; and he scruples not to complain to the king himself of these abuses (Petri Bles., Epist. 95, apud Bibl. Patrum, tom 24, p. 2014). We may judge what the case would be under the government of worse princes. The articles of inquiry concerning the conduct of sheriffs, which Henry promulgated in 1170, show the great power, as well as the licentiousness, of these officers (Hoveden, Chron. Gerv., p. 1410).

Amerciaments or fines for crimes and trespasses were another considerable branch of the royal revenue (Madox, chap. xiv.). Most crimes were atoned for by money; the fines imposed were not limited by any rule or statute, and frequently occasioned the total ruin of the person, even for the slightest trespasses. The forest laws, particularly, were a great source of oppression. The king possessed 68 forests, 13 chases, and 781 parks, in different parts of England (Spelm. Gloss., in verb. *Forasta*); and, considering the extreme passion of the English and Normans for hunting, these were so many snares laid for the people, by which they were allured into trespasses, and brought within the reach of arbitrary and rigorous laws, which the king had thought proper to enact by his own authority.

But the most barefaced acts of tyranny and oppression were practised against the Jews, who were entirely out of the protection of law, were extremely odious from the bigotry of the people, and were abandoned to the immeasurable rapacity of the king and his ministers. Besides many other indignities to which they were continually exposed, it appears that they were once all thrown into prison, and the sum of 66,000 marks exacted for their liberty<sup>1</sup>. At another time, Isaac the Jew paid alone 5100 marks (Madox's, p. 151); Brun, 3000 marks (Ibid. p. 153); Jurnet, 2000; Bennet, 500. At another, Licorica, widow of David, the Jew of Oxford, was required to pay 6000 marks, and she was delivered over to six of the richest and discreetest Jews in England, who were to answer for the sum (Ibid., p. 168); Henry III. borrowed 5000 marks from the Earl of Cornwall; and for his repayment consigned over to him all the Jews in England (Ibid., p. 156). The revenue arising from exactions upon this nation was so considerable, that there was a particular court of exchequer set apart for managing it (Ibid., chap. vii.).

We may judge concerning the low state of commerce among the English, when the Jews, notwithstanding these oppressions, could still find their account in trading among them, and lending them money. And as the improvements of agriculture were also much checked by the immense possessions of the nobility, by the disorders of the times, and by the precarious state of feudal property, it appears that industry of no kind could then have place in the kingdom<sup>2</sup>.

It is asserted by Sir Harry Spelman,<sup>3</sup> as an undoubted truth, that during the reigns of the first Norman princes, every edict of the king,

<sup>1</sup> Madox's Hist. of the Exch., p. 151. This happened in the reign of King John.

<sup>2</sup> We learn from the extracts given us of Domesday by Brady, in his Treatise of Boroughs, that almost all the boroughs of England had suffered in the shock of the conquest, and had become extremely decayed between the death of the Confessor and the time when Domesday was framed.

<sup>3</sup> Gloss. in verb. *Judicium Dei*. The author of the *Miroir des Justices* complains, that ordinances are only made by the king and his clerks, and by aliens and others, who dare not contradict the king, but study to please him. Whence, he concludes, laws are oftener dictated by will, than founded on right.

issued with the consent of his privy-council, had the full force of law. But the barons, surely, were not so passive as to entrust a power, entirely arbitrary and despotic, into the hands of the sovereign. It only appears that the constitution had not fixed any precise boundaries to the royal power; that the right of issuing proclamations on any emergency, and of exacting obedience to them, a right which was always supposed inherent in the crown, is very difficult to be distinguished from a legislative authority that the extreme imperfection of the ancient laws, and the sudden exigencies which often occurred in such turbulent governments, obliged the prince to exert frequently the latent powers of his prerogative, that he naturally proceeded, from the acquiescence of the people, to assume, in many particulars of moment, an authority from which he had excluded himself by express statutes, charters, or concessions, and which was, in the main, repugnant to the general genius of the constitution; and that the lives, the personal liberty, and the properties of all his subjects, were less secured by law against the exertion of his arbitrary authority, than by the independent power and private connections of each individual. It appears from the Great Charter itself, that not only John, a tyrannical prince, and Richard, a violent one, but their father Henry, under whose reign the prevalence of gross abuses is the least to be suspected, were accustomed, from their sole authority, without process of law, to imprison, banish, and attain, the freemen of their kingdom.

A great baron, in ancient times, considered himself as a kind of sovereign within his territory; and was attended by courtiers and dependants more zealously attached to him than the ministers of state and the great officers were commonly to *their* sovereign. He often maintained in his court the parade of royalty, by establishing a justiciary, constable, mareschal, chamberlain, seneschal, and chancellor, and assigning to each of these officers a separate province and command. He was usually very assiduous in exercising his jurisdiction; and took such delight in that image of sovereignty, that it was found necessary to restrain his activity, and prohibit him by law from holding courts too frequently (Dugd. Jurid. Orig., p. 26). It is not to be doubted, but the example set him by the prince, of a mercenary and sordid extortion, would be faithfully copied; and that all his good and bad offices, his justice and injustice, were equally put to sale. He had the power, with the king's consent, to exact talliages even from the free citizens who lived within his barony; and as his necessities made him rapacious, his authority was usually found to be more oppressive and tyrannical than that of the sovereign (Madox's Hist. of Exch., p. 520). He was ever engaged in hereditary or personal animosities or confederacies with his neighbours, and often gave protection to all desperate adventurers and criminals who could be useful in serving his violent purposes. He was able alone, in times of tranquillity, to obstruct the execution of justice within his territories; and by combining with a few malcontent barons of high rank and power, he could throw the state into convulsions. And, on the whole, though the royal authority was confined within bounds, and often within very narrow ones, yet the check was irregular, and frequently the source of great disorders, nor was it derived from the liberty of the people, but from the military power of

many petty tyrants, who were equally dangerous to the prince and oppressive to the subject.

The power of the Church was another rampart against royal authority; but this defence was also the cause of many mischiefs and inconveniences. The dignified clergy, perhaps, were not so prone to immediate violence as the barons; but as they pretended to a total independence on the state, and could always cover themselves with the appearances of religion, they proved, in one respect, an obstruction to the settlement of the kingdom, and to the regular execution of the laws. The policy of the Conqueror was in this particular liable to some exception. He augmented the superstitious veneration for Rome to which that age was so much inclined, and he broke those bands of connection, which, in the Saxon times, had preserved a union between the lay and the clerical orders. He prohibited the bishops from sitting in the county courts; he allowed ecclesiastical causes to be tried in spiritual courts only;<sup>1</sup> and he so much exalted the power of the clergy, that of 60,215 knight's fees, into which he divided England, he placed no less than 28,015 under the Church.<sup>2</sup>

The right of primogeniture was introduced with the feudal law an institution which is hurtful, by producing and maintaining an unequal division of private property; but is advantageous in another respect, by accustoming the people to a preference in favour of the eldest son, and thereby preventing a partition or disputed succession in the monarchy. The Normans introduced the use of surnames, which tend to preserve the knowledge of families and pedigrees. They abolished none of the old absurd methods of trial by the cross or ordeal, and they added a new absurdity, the trial by single combat (LL. Will., cap. 68), which became a regular part of jurisprudence, and was conducted with all the order, method, devotion, and solemnity imaginable.<sup>3</sup> The ideas of chivalry also seem to have been imported by the Normans. No traces of those fantastic notions are to be found among the plain and rustic Saxons. The feudal institutions, by raising the military tenants to a kind of sovereign dignity, by rendering personal strength and valour requisite, and by making every knight and baron his own protector and avenger, begat that martial pride and sense of honour, which, being cultivated and embellished by the poets and romance-writers of the age, ended in chivalry. The virtuous knight fought not only in his own quarrel, but in that of the innocent, of the helpless, and, above all, of the fair, whom he supposed to be for ever under the guardianship of his valiant arm. The uncourteous knight, who, from his castle, exercised robbery on travellers, and committed violence on virgins, was the object of his perpetual indignation, and he put him to death, without scruple, or trial, or appeal, wherever he met with him. The great independence of men made personal honour and fidelity the chief tie among them; and rendered it the capital virtue of every true knight or genuine professor of chivalry. The solemnities of single

<sup>1</sup> Char. Will. apud Wilkins, p. 230, Spel. Conc., vol. II, p. 14.

<sup>2</sup> Spell Gloss., in verb. *Manus mortua*. We are not to imagine, as some have done, that the church possessed lands in this proportion, but only that they and their vassals enjoyed such a proportionable part of the landed property.

<sup>3</sup> Spell Gloss., in verb. *Campus*. The last instance of these duels was in the 15th of Eliz. So long did that absurdity remain.

combat, as established by law, banished the notion of everything unfair or unequal in rencounters, and maintained an appearance of courtesy between the combatants till the moment of their engagement. The credulity of the age grafted on this stock the notion of giants, enchanters, dragons, spells,<sup>1</sup> and a thousand wonders, which still multiplied during the times of the Crusades; when men, returning from so great a distance, used the liberty of imposing every fiction on their believing audience. These ideas of chivalry infected the writings, conversation, and behaviour of men, during some ages; and even after they were, in a great measure, banished by the revival of learning, they left modern gallantry and the point of honour, which still maintain their influence, and are the genuine offspring of those ancient affectations.

The concession of the Great Charter, or rather its full establishment (for there was a considerable interval of time between the one and the other), gave rise by degrees to a new species of government, and introduced some order and justice into the administration. The ensuing scenes of our history are therefore somewhat different from the preceding. Yet the Great Charter contained no establishment of new courts, magistrates, or senates, nor abolition of the old. It introduced no new distribution of the powers of the commonwealth, and no innovation in the political or public law of the kingdom. It only guarded, and that merely by verbal clauses, against such tyrannical practices as are incompatible with civilized government, and, if they become very frequent are incompatible with all government. The barbarous licence of the kings, and perhaps of the nobles, was thenceforth somewhat more restrained; men acquired some more security for their properties and their liberties; and government approached a little nearer to that end for which it was originally instituted—the distribution of justice and the equal protection of the citizens. Acts of violence and iniquity in the crown, which before were only deemed injurious to individuals, and were hazardous chiefly in proportion to the number, power, and dignity of the persons affected by them, were now regarded in some degree as public injuries, and as infringements of a charter calculated for general security. And thus the establishment of the Great Charter, without seeming anywise to innovate in the distribution of political power, became a kind of epoch in the constitution.

## CHAPTER XII.

### HENRY III.

*Settlement of the government.—General pacification.—Death of the Protector.—Some commotions.—Hubert de Burgh displaced.—The Bishop of Winchester minister.—King's partiality to foreigners.—Grievances.—Ecclesiastical grievances.—Earl of Cornwall elected King of the Romans.—Discontent of the barons.—Simon de Mount-*

<sup>1</sup> In all legal single combats it was part of the champion's oath, that he carried not about him any herb, spell, or enchantment, by which he might procure victory. Dugdale Orig Jurid, p. 82.

*fort, Earl of Leicester.—Provisions of Oxford.—Usurpation of the barons.—Prince Edward.—Civil wars of the barons.—Reference to the King of France.—Renewal of the civil wars.—Battle of Lewes.—House of Commons.—Battle of Evesham and death of Leicester.—Settlement of the government.—Death—and character of the king.—Miscellaneous transactions of this reign.*

MOST sciences, in proportion as they increase and improve, invent methods by which they facilitate their reasonings, and employing general theorems, are enabled to comprehend, in a few propositions, a great number of inferences and conclusions. History also, being a collection of facts which are multiplying without end, is obliged to adopt such arts of abridgment to retain the more material events, and to drop all the minute circumstances which are only interesting during the time or to the persons engaged in the transactions. This truth is nowhere more evident than with regard to the reign upon which we are going to enter. What mortal could have the patience to write or read a long detail of such frivolous events as those with which it is filled, or attend to a tedious narrative which would follow, through a series of fifty-six years, the caprices and weaknesses of so mean a prince as Henry? The chief reason why Protestant writers have been so anxious to spread out the incidents of this reign, is in order to expose the rapacity, ambition, and artifices of the court of Rome, and to prove that the great dignitaries of the Catholic Church, while they pretended to have nothing in view but the salvation of souls, had bent all their attention to the acquisition of riches, and were restrained by no sense of justice or of honour in the pursuit of that great object (M. Parris, p. 623). But this conclusion would readily be allowed them though it were not illustrated by such a detail of uninteresting incidents, and follows indeed, by an evident necessity, from the very situation in which that Church was placed with regard to the rest of Europe. For besides that ecclesiastical power, as it can always cover its operations under a cloak of sanctity, and attacks men on the side where they dare not employ their reason, lies less under control than civil government, besides this general cause, I say, the Pope and his courtiers were foreigners to most of the Churches which they governed; they could not possibly have any other object than to pillage the provinces for present gain; and as they lived at a distance, they would be little awed by shame or remorse in employing every lucrative expedient which was suggested to them. England being one of the most remote provinces attached to the Romish hierarchy, as well as the most prone to superstition, felt severely during this reign, while its patience was not yet fully exhausted, the influence of these causes, and we shall often have occasion to touch cursorily upon such incidents. But we shall not attempt to comprehend every transaction transmitted; and till the end of the reign, when the events become more memorable, we shall not always observe an exact chronological order in our narration.

The Earl of Pembroke, who at the time of John's death was Marshal of England, was by his office at the head of the armies, and, consequently, during a state of civil wars and convulsions, at the head of the government, and it happened fortunately for the young monarch

and for the nation, that the power could not have been entrusted into more able and more faithful hands. This nobleman, who had maintained his loyalty unshaken to John during the lowest fortune of that monarch, determined to support the authority of the infant prince; nor was he dismayed at the number and violence of his enemies. Sensible that Henry, agreeably to the prejudices of the times, would not be deemed a sovereign till crowned and anointed by a Churchman, he immediately carried the young prince to Gloucester, where the ceremony of coronation was (A.D. Oct. 28, 1216) performed in the presence of Gualo, the legate, and of a few noblemen, by the Bishops of Winchester and Bath.<sup>1</sup> As the concurrence of the papal authority was requisite to support the tottering throne, Henry was obliged to swear fealty to the Pope, and renew that homage to which his father had already subjected the kingdom (M. Paris, p. 200). And in order to enlarge the authority of Pembroke and to give him a more regular and legal title to it, a general council of the barons was soon after summoned at Bristol, where that nobleman was (November 11) chosen protector of the realm.

Pembroke, that he might reconcile all men to the government of his pupil, made him grant a new charter of liberties which, though mostly copied from the former concessions extorted from John, contains some alterations which may be deemed remarkable (Rymer, vol. i, p. 215). The full privilege of elections in the clergy, granted by the late king, was not confirmed, nor the liberty of going out of the kingdom without the royal consent; whence we may conclude that Pembroke and the barons, jealous of the ecclesiastical power, both were desirous of renewing the king's claim to issue a *congé d'elire* to the monks and chapters, and thought it requisite to put some check to the frequent appeals to Rome. But what may chiefly surprise us is that the obligation to which John had subjected himself of obtaining the consent of the great council before he levied any aids or scutages upon the nation was omitted, and this article was even declared hard and severe, and was expressly left to future deliberation. But we must consider that though this limitation may perhaps appear to us the most momentous in the whole charter of John, it was not regarded in that light by the ancient barons, who were more jealous in guarding against particular acts of violence in the crown than against such general impositions which, unless they were evidently reasonable and necessary, could scarcely without general consent be levied upon men who had arms in their hands, and who could repel any act of oppression by which they were all immediately affected. We accordingly find that Henry in the course of his reign, while he gave frequent occasions for complaint with regard to his violations of the Great Charter, never attempted by his mere will to levy any aids or scutages; though he was often reduced to great necessities, and was refused supply by his people. So much easier was it for him to transgress the law when individuals alone were affected, than even to exert his acknowledged prerogatives where the interest of the whole body was concerned.

This Charter was again confirmed by the king in the ensuing year, with the addition of some articles to prevent the oppressions by sheriffs;

<sup>1</sup> M. Paris, p. 200; Hist. Croys. Cont., p. 474, W. Heming, p. 562; Trivet, p. 268.

and also with an additional charter of forests, a circumstance of great moment in those ages, when hunting was so much the occupation of the nobility, and when the king comprehended so considerable a part of the kingdom within his forests, which he governed by peculiar and arbitrary laws. All the forests which had been enclosed since the reign of Henry II., were disforested; and new perambulations were appointed for that purpose, offences in the forests were declared to be no longer capital; but punishable by fine, imprisonment, and more gentle penalties; and all the proprietors of land recovered the power of cutting and using their own wood at their pleasure.

Thus, these famous charters were brought nearly to the shape in which they have ever since stood; and they were, during many generations, the peculiar favourites of the English nation, and esteemed the most sacred rampart to national liberty and independence. As they secured the rights of all orders of men, they were anxiously defended by all, and became the basis, in a manner, of the English monarchy, and a kind of original contract, which both limited the authority of the king, and ensured the conditional allegiance of his subjects. Though often violated, they were still claimed by the nobility and people, and as no precedents were supposed valid that infringed them, they rather acquired than lost authority, from the frequent attempts made against them in several ages, by regal and arbitrary power.

While Pembroke, by renewing and confirming the Great Charter gave so much satisfaction and security to the nation in general, he also applied himself successfully to individuals, he wrote letters in the king's name to all the malcontent barons, in which he represented to them, that whatever jealousy and animosity they might have entertained against the late king, a young prince, the lineal heir of their ancient monarchs, had now succeeded to the throne, without succeeding either to the resentments or principles of his predecessor; that the desperate expedient, which they had employed, of calling in a foreign potentate, had, happily for them, as well as for the nation, failed of entire success, and it was still in their power, by a speedy return to their duty, to restore the independence of the kingdom, and to secure that liberty for which they so zealously contended, that as all past offences of the barons were now buried in oblivion, they ought on their part to forget their complaints against their late sovereign, who, if he had been anywise blameable in his conduct, had left to his son the salutary warning, to avoid the paths which had led to such fatal extremities, and that having now obtained a charter for their liberties, it was their interest to show, by their conduct, that this acquisition was not incompatible with their allegiance, and that the rights of king and people, so far from being hostile and opposite, might mutually sustain each other (Rymer, vol. I., p. 215, Biady's App. No. 143).

These considerations, enforced by the character of honour and constancy which Pembroke had ever maintained, had a mighty influence on the barons, and most of them began secretly to negotiate with him, and many of them openly returned to their duty. The diffidence which Lewis discovered of their fidelity, forwarded this general propension towards the king, and when the French prince refused the government of the castle of Hertford to Robert Fitz-Walter, who had been so active



against the late king, and who claimed that fortress as his property, they plainly saw that the English were excluded from every trust, and that foreigners had engrossed all the confidence and affection of their new sovereign (M. Paris, pp 200, 202). The excommunication too, denounced by the legate against all the adherents of Lewis, failed not, in the turn which men's dispositions had taken, to produce a mighty effect upon them; and they were easily persuaded to consider a cause as impious, for which they had already entertained an unsurmountable aversion (Ibid, p 200, M. West, p. 277). Though Lewis made a journey to France, and brought over succours from that kingdom (Chron. Dunst, vol. 1, p 79; M West, p. 277), he found on his return, that his party was still more weakened by the desertion of his English confederates, and that the death of John had, contrary to his expectations, given an incurable wound to his cause. The Earls of Salisbury, Arundel, and Warienne, together with William Mareshal, eldest son of the protector, had embraced Henry's party; and every English nobleman was plainly watching for an opportunity of returning to his allegiance. Pembroke was so much strengthened by these accessions, that he ventured to invest Mount-sorel, though upon the approach of the Count of Perche with the French army, he desisted from his enterprise, and raised the siege (M. Paris, p. 203). The count, elated with this success, marched to Lincoln, and being admitted into the town, he began to attack the castle, which he soon reduced to extremity. The protector summoned all his forces from every quarter in order to relieve a place of such importance, and he appeared so much superior to the French, that they shut themselves up within the city, and resolved to act upon the defensive (Chron Dunst., vol 1, p. 81). But the garrison of the castle, having received a strong reinforcement, made a vigorous sally upon the besiegers; while the English army, by concert, assaulted them in the same instant from without, mounted the walls by scalade, and bearing down all resistance, entered the city sword in hand. Lincoln was delivered over to be pillaged; the French army was totally routed, the Count of Perche, with only two persons more, was killed, but many of the chief commanders and about 400 knights were made prisoners by the English (M. Paris, pp. 204, 205; Chron. de Mailr, p 195). So little blood was shed in this important action, which decided the fate of one of the most powerful kingdoms in Europe; and such wretched soldiers were those ancient barons, who yet were unacquainted with everything but arms!

Prince Lewis was informed of this fatal event, while employed in the siege of Dover, which was still valiantly defended against him by Hubert de Burgh. He immediately retreated to London, the centre and life of his party; and he there received intelligence of a new disaster, which put an end to all his hopes. A French fleet, bringing over a strong reinforcement, had appeared on the coast of Kent, where they were attacked by the English under the command of Philip d'Albiny, and were routed with considerable loss. D'Albiny employed a stratagem against them, which is said to have contributed to the victory: having gained the wind of the French, he came down upon them with violence; and throwing in their faces a great quantity

of quicklime, which he purposely carried on board, he so blundered them, that they were disabled from defending themselves.<sup>1</sup>

After this second misfortune of the French, the English barons hastened everywhere to make peace with the protector, and, by a ready submission, to prevent those attainders to which they were exposed on account of their rebellion. Lewis, whose cause was now totally desperate, began to be anxious for the safety of his person, and was glad, on any honourable conditions, to make his escape from a country, where he found everything was now become hostile to him. He concluded a peace with Pembroke, promised to evacuate the kingdom, and only stipulated, in return, an indemnity to his adherents, and a restitution of their honours and fortunes, together with the free and equal enjoyment of those liberties which had been granted to the rest of the nation.<sup>2</sup> Thus was happily ended a civil war, which seemed to be founded on the most incurable hatred and jealousy, and had threatened the kingdom with the most fatal consequences.

The precautions which the King of France used in the conduct of this whole affair are remarkable. He pretended that his son had accepted of the offer from the English barons without his advice and contrary to his inclination; the armies sent to England were levied in Lewis's name; when that prince came over to France for aid, his father publicly refused to grant him any assistance, and would not so much as admit him to his presence, even after Henry's party acquired the ascendant, and Lewis was in danger of falling into the hands of his enemies, it was Blanche of Castile his wife, not the king his father, who raised armies and equipped fleets for his succour (M. Paris, p. 256; Chron. Dunst., vol. 1., p. 82). All these artifices were employed, not to satisfy the Pope, for he had too much penetration to be so easily imposed on; nor yet to deceive the people, for they were too gross even for that purpose, they only served for a colouring to Philip's cause; and in public affairs, men are often better pleased that the truth, though known to everybody, should be wrapped up under a decent cover, than if it were exposed in open daylight to the eyes of all the world.

After the expulsion of the French, the prudence and equity of the protector's subsequent conduct contributed to cure entirely those wounds which had been made by intestine discord. He received the rebellious barons into favour; observed strictly the terms of peace which he had granted them, restored them to their possessions, and endeavoured, by an equal behaviour, to bury all past animosities in perpetual oblivion. The clergy alone, who had adhered to Lewis, were sufferers in this revolution. As they had rebelled against their spiritual sovereign by disregarding the interdict and excommunication, it was not in Pembroke's power to make any stipulations in their favour; and Gualo, the legate, prepared to take vengeance on them for their disobedience (Brady's App., No. 144; Chron. Dunst., vol. 1., p. 83). Many of them were deposed, many suspended; some banished; and all who escaped punishment, made atonement for their offence by paying large

<sup>1</sup> M. Paris, p. 206, Ann. Waverl., p. 183, W. Hemming, p. 563, Trivet, p. 269; M. West, p. 277; Knyghton, p. 2428.

<sup>2</sup> Rymer, vol. 1., p. 221, M. Paris, p. 207; Chron. Dunst., vol. 1., p. 83, M. West, p. 278, Knyghton, p. 2429.

sums to the legate, who amassed an immense treasure by this expedient.

The Earl of Pembroke did not long survive the pacification, which had been chiefly owing to his wisdom and valour (M. Paris, p. 210); and he was succeeded in the government by Peter des Roches, Bishop of Winchester, and Hubert de Burgh, the justiciary. The councils of the latter were chiefly followed, and had he possessed equal authority in the kingdom with Pembroke, he seemed to be every way worthy of filling the place of that virtuous nobleman. But the licentious and powerful barons, who had once broken the reins of subjection to their prince, and had obtained by violence an enlargement of their liberties and independence, could ill be restrained by laws under a minority; and the people, no less than the king, suffered from their outrages and disorders. They retained by force the royal castles, which they had seized during the past convulsions, or which had been committed to their custody by the protector (Trivet, p. 174); they usurped the king's demesnes (Rymer, vol. 1, p. 276), they oppressed their vassals; they infested their weaker neighbours; they invited all disorderly people to enter in their retinues, and to live upon their lands; and they gave them protection in all their robberies and extortions.

No one was more infamous for these violent and illegal practices than the Earl of Albemarle, who, though he had early returned to his duty, and had been serviceable in expelling the French, augmented to the utmost the general disorder, and committed outrages in all the counties of the north. In order to reduce him to obedience, Hubert seized an opportunity of getting possession of Rockingham Castle, which Albemarle had garrisoned with his licentious retinue, but this nobleman, instead of submitting, entered into a secret confederacy with Fawkes de Breauté, Peter de Mauleon, and other barons, and both fortified the castle of Biham for his defence, and made himself master by surprise of that of Fotheringay. Pandulf, who was restored to his legateship, was active in suppressing this rebellion; and, with the concurrence of eleven bishops, he pronounced the sentence of excommunication against Albemarle and his adherents (Chron. Dunst. vol. i., p. 102); an army was levied; a scutage of ten shillings, a knight's fee, was imposed on all the military tenants; Albemarle's associates deserted him, and he himself was obliged at last to sue for mercy. He received a pardon, and was restored to his whole estate.

This impolitic lenity, too frequent in those times, was probably the result of a secret combination among the barons, who never could endure to see the total ruin of one of their own order; but it encouraged Fawkes de Breauté, a man whom King John had raised from a low origin, to persevere in the course of violence to which he had owed his fortune, and to set at nought all law and justice. When thirty-five verdicts were at one time found against him on account of his violent expulsion of so many freeholders from their possessions, he came to the court of justice with an armed force, seized the judge who had pronounced the verdicts, and imprisoned him in Bedford Castle. He then levied open war against the king; but being subdued and taken prisoner, his life was granted him; but his estate was confiscated, and he was banished the kingdom.<sup>1</sup>

<sup>1</sup> Rymer, vol. i., p. 298; M. Paris, pp. 221, 224, Ann. Waverl., p. 188, Chron. Dunst. vol. 1., pp. 142, 146; M. West, p. 283.

Justice was (A.D. 1222) executed with greater severity against disorders less premeditated which broke out in London. A frivolous emulation in a match of wrestling, between the Londoners on the one hand, and the inhabitants of Westminster and those of the neighbouring villages on the other, occasioned this commotion. The former rose in a body and pulled down some houses belonging to the Abbot of Westminster; but this riot, which, considering the tumultuous disposition familiar to that capital would have been little regarded, seemed to become more serious by the symptoms which then appeared of the former attachment of the citizens to the French interest. The populace in the tumult made use of the cry of war commonly employed by the French troops. 'Mountjoy, Mountjoy, God help us and our lord 'Lewis.' The justiciary made inquiry into the disorder; and finding one Constantine Fitz Arnulf to have been the ringleader, an insolent man, who justified his crime in Hubert's presence, he proceeded against him by martial law, and ordered him immediately to be hanged, without trial or form of process. He also cut off the feet of some of Constantine's accomplices.<sup>1</sup>

This act of power was complained of as an infringement of the Great Charter; yet the justiciary, in a parliament summoned at Oxford (for the great councils about this time began to receive that appellation), made no scruple to grant in the king's name a renewal and confirmation of that charter. When the assembly made application to the crown for this favour (as a law in those times seemed to lose its validity if not frequently renewed), William de Bureweie, one of the council of regency, was so bold as to say openly, that those liberties were extorted by force, and ought not to be observed; but he was reprimanded by the Archbishop of Canterbury, and was not countenanced by the king or his chief ministers (M. West, p 282). A new confirmation was demanded, and granted two years after; and an aid, amounting to a fifteenth of all moveables, was given by the parliament, in return for this indulgence. The king issued writs anew to the sheriffs, enjoining the observance of the great charter, but he inserted a remarkable clause in the writs, that those who payed not the fifteenth, should not for the future be entitled to the benefit of those liberties (Clause 9 H. 3. m. 9 and m. 6. d).

The low state, into which the crown was fallen, made it requisite for a good minister to be attentive to the preservation of the royal prerogatives, as well as to the security of public liberty. Hubert applied to the Pope, who had always great authority in the kingdom, and was now considered as its superior lord, and desired him to issue a bull, declaring the king to be of full age, and entitled to exercise in person all the acts of royalty (M. Paris, p 220). In consequence of this declaration, the justiciary resigned into Henry's hands the two important fortresses of the Tower and Dover Castle, which had been entrusted to his custody, and he required the other barons to imitate his example. They refused compliance. The earls of Chester and Albemarle, John Constable of Chester, John de Lacy, Brian de l'Isle, and William de Cantel, with some others, even formed a conspiracy to surprise London, and met in arms at Waltham with that intention,

<sup>1</sup> M. Paris, pp. 227, 228, 259, Ann. Waverl., p 187, Chron. Dunst., vol. i, p 129.

but finding the king prepared for defence, they desisted from their enterprise. When summoned to court, in order to answer for their conduct, they scrupled not to appear, and to confess the design; but they told the king, that they had no bad intentions against his person, but only against Hubert de Burgh, whom they were determined to remove from his office (*Chron. Dunst.* vol. 1, p. 137). They appeared too formidable to be chastised; and they were so little discouraged by the failure of their first enterprise, that they again met in arms at Leicester, in order to seize the king, who then resided at Northampton; but Henry, informed of their purpose, took care to be so well armed, and attended, that the barons found it dangerous to make the attempt; and they sat down and kept Christmas in his neighbourhood (*M. Paris*, p. 221; *Chron. Dunst.* vol. 1, p. 138). The archbishop and the prelates, finding everything tend towards a civil war, interposed with their authority, and threatened the barons with the sentence of excommunication, if they persisted in detaining the king's castles. This menace at last prevailed: most of the fortresses were surrendered; though the barons complained that Hubert's castles were soon after restored to him, while the king still kept theirs in his own custody. There are said to have been 1115 castles at that time in England (*Coke on Magna Charta*, chap. 17).

It must be acknowledged, that the influence of the prelates and the clergy was often of great service to the public. Though the religion of that age can merit no better name than that of superstition, it served to unite together a body of men who had great sway over the people, and who kept the community from falling to pieces, by the factions and independent power of the nobles. And what was of great importance, it threw a mighty authority into the hands of men who by their profession were averse to arms and violence; who tempered by their mediation the general disposition towards military enterprises; and who still maintained, even amidst the shock of arms, those secret links, without which it is impossible for society to subsist.

Notwithstanding these intestine commotions in England, and the precarious authority of the crown, Henry was obliged to carry on war in France; and he employed to that purpose the fifteenth which had been granted him by parliament. Lewis VIII who had succeeded to his father Philip, instead of complying with Henry's claim, who demanded the restitution of Normandy and the other provinces wrested from England, made an irruption into Poitou, took Rochelle (*Rymer*, vol. 1, p. 269; *Trivet*, p. 179), after a long siege, and seemed determined to expel the English from the few provinces which still remained to them. Henry sent over his uncle, the Earl of Salisbury; together with his brother, Prince Richard, to whom he had granted the earldom of Cornwall, which had escheated to the crown. Salisbury stopped the progress of Lewis's arms, and retained the Poitevins and Gascons vassals in their allegiance; but no military action of any moment was performed on either side. The Earl of Cornwall, after two years' stay in Guenne, returned to England.

This prince was (A.D. 1227) nowise turbulent or factious in his disposition; his ruling passion was to amass money, in which he succeeded so well as to become the richest subject in Christendom; yet his at-

tention to gain threw him sometimes into acts of violence, and gave disturbance to the government. There was a manor which had formerly belonged to the earldom of Cornwall, but had been granted to Waleran de Ties, before Richard had been invested with that dignity, and while the earldom remained in the crown. Richard claimed this manor, and expelled the proprietor by force, Waleran complained; the king ordered his brother to do justice to the man, and restore him to his rights; the earl said that he would not submit to these orders, till the cause should be decided against him by the judgment of his peers; Henry replied, that it was first necessary to reinstate Waleran in possession, before the cause could be tried; and he reiterated his orders to the earl (M. Paris, p. 233). We may judge of the state of the government, when this affair had nearly produced a civil war. The Earl of Cornwall, finding Henry peremptory in his commands, associated himself with the young Earl of Pembroke, who had married his sister, and who was displeased on account of the king's requiring him to deliver up some royal castles which were in his custody. These two malcontents took into the confederacy the Earls of Chester, Warrenne, Gloucester, Hereford, Warwick, and Ferrers, who were all disgusted on a like account (Ibid). They assembled an army, which the king had not the power or courage to resist, and he was obliged to give his brother satisfaction, by grants of greater importance than the manor which had been the first ground of the quarrel (Ibid).

The character of the king, as he grew to man's estate, became every day better known; and he was found in every respect unqualified for maintaining a proper sway among those turbulent barons, whom the feudal constitution subjected to his authority. Gentle, humane, and merciful, even to a fault, he seems to have been steady in no other circumstance of his character; but to have received every impression from those who surrounded him, and whom he loved, for the time, with the most imprudent and most unreserved affection. Without activity or vigour, he was unfit to conduct war; without policy or art, he was ill-fitted to maintain peace, his resentments, though hasty and violent, were not dreaded, while he was found to drop them with such facility; his friendships were little valued, because they were neither derived from choice, nor maintained with constancy. A proper pageant of state in a regular monarchy, where his ministers could have conducted all affairs in his name and by his authority; but too feeble in those times to sway a sceptre, whose weight depended entirely on the firmness and dexterity of the hand which held it.

The ablest and most virtuous minister that Henry ever possessed was Hubert de Burgh (Ypod Neustræ, p. 464), a man who had been steady to the crown in the most difficult and dangerous times, and who yet showed no disposition, in the height of his power, to enslave or oppress the people. The only exceptionable part of his conduct is that which is mentioned by Matthew Paris;<sup>1</sup> if the fact be really true, and proceeded from Hubert's advice, namely, the recalling publicly and the annulling of the charter of forests, a concession so reasonable in itself, and so passionately claimed both by the nobility and people;

P. 232; M. West, p. 216, ascribes this counsel to Peter, Bishop of Winchester.

but it must be confessed that this measure is so unlikely, both from the circumstances of the times and character of the minister, that there is reason to doubt of its reality, especially as it is mentioned by no other historian. Hubert, while he enjoyed his authority, had an entire ascendant over Henry, and was loaded with honours and favours beyond any other subject. Besides acquiring the property of many castles and manors, he married the eldest sister of the King of Scots, was created Earl of Kent, and, by an unusual concession, was made chief justiciary of England for life, yet Henry, in a sudden caprice, threw off his faithful minister, and exposed him to the violent persecutions of his enemies. Among other frivolous crimes objected to him, he was accused of gaining the king's affection by enchantment, and of purloining from the royal treasury a gem which had the virtue to render the wearer invulnerable, and of sending this valuable curiosity to the Prince of Wales (M. Paris, p. 259). The nobility, who hated Hubert on account of his zeal in resuming the rights and possessions of the crown, no sooner saw the opportunity favourable, than they inflamed the king's animosity against him, and pushed him to seek the total ruin of his minister. Hubert took sanctuary in a church; the king ordered him to be dragged from thence; he recalled those orders, he afterwards renewed them, he was obliged by the clergy to restore him to the sanctuary; he constrained him soon after to surrender himself prisoner, and he confined him in the castle of the Devises. Hubert made his escape, was expelled the kingdom, was again received into favour, recovered a great share of the king's confidence, but never showed any inclination to reinstate himself in power.<sup>1</sup>

The man who succeeded him in the government of the king and kingdom was Peter, Bishop of Winchester, a Poitevin by birth, who had been raised by the late king, and who was no less distinguished by his arbitrary principles and violent conduct, than by his courage and abilities. This prelate had been left (A.D. 1231) by King John justiciary and regent of the kingdom during an expedition which that prince made into France, and his illegal administration was one chief cause of that great combination among the barons, which finally extorted from the crown the charter of liberties, and laid the foundations of the English constitution. Henry, though incapable, from his character, of pursuing the same violent maxims which had governed his father, had imbibed the same arbitrary principles; and in prosecution of Peter's advice, he invited over a great number of Poitevins and other foreigners, who, he believed, could more safely be trusted than the English, and who seemed useful to counterbalance the great and independent power of the nobility (M. Paris, p. 263). Every office and command was bestowed on these strangers; they exhausted the revenues of the crown, already too much impoverished (Chron. Dunst., vol. i., p. 151); they invaded the rights of the people; and their insolence, still more provoking than their power, drew on them the hatred of all orders of men in the kingdom (M. Paris, p. 258).

The barons formed (A.D. 1233) a combination against this odious ministry, and withdrew from parliament, on pretence of the danger

<sup>1</sup> Ibid. pp. 259, 260, 261, 266; Chron. T. Wykes, pp. 41, 42, Chron. Dunst., vol. i., pp. 220, 221, M. West, pp. 291, 301.

to which they were exposed from the machinations of the Poitevins. When again summoned to attend, they gave for answer, that the king should dismiss his foreigners, otherwise they would drive both him and them out of the kingdom, and put the crown on another head more worthy to wear it (M. Paris, p. 265) Such was the style they used to their sovereign! They at last came to parliament, but so well attended that they seemed in a condition to prescribe laws to the king and ministry. Peter des Roches, however, had in the interval found means of sowing dissension among them, and of bringing over to his party the Earl of Cornwall, as well as the Earls of Lincoln and Chester. The confederates were disconcerted in their measures. Richard, Earl Mareschal, who had succeeded to that dignity on the death of his brother William, was chased into Wales, he thence withdrew into Ireland, where he was treacherously murdered by the contrivance of the Bishop of Winchester (Chron. Dunst., vol. i., p. 219). The estates of the more obnoxious barons were confiscated, without legal sentence or trial by their peers (M. Paris, p. 265); and were bestowed with a profuse liberality on the Poitevins. Peter even carried his insolence so far as to declare publicly that the barons of England must not pretend to put themselves on the same foot with those of France, or assume the same liberties and privileges the monarch in the former country had a more absolute power than in the latter. It had been more justifiable for the monarch to have said that men, so unwilling to submit to the authority of laws, could with the worse grace claim any shelter or protection from them.

When the king at any time was checked in his illegal practices, and when the authority of the great charter was objected to him, he was wont to reply, 'Why should I observe this charter, which is neglected by all my grandees, both prelates and nobility?' It was reasonably said to him, 'You ought, sir, to set them the example' (Ibid., p. 609).

So violent a ministry as that of the Bishop of Winchester could not be of long duration, but its fall proceeded at last from the influence of the Church, not from the efforts of the nobles. Edmond, the primate, came to court, attended by many of the other prelates, and represented to the king the pernicious measures embraced by Peter des Roches, the discontents of his people, the ruin of his affairs; and, after requiring the dismissal of the minister and his associates, threatened him with excommunication, in case of his refusal. Henry, who knew that an excommunication, so agreeable to the sense of the people, could not fail of producing the most dangerous effects, was obliged to submit; foreigners were banished, the natives were restored to their place in council (M. Paris, p. 271, 272), the primate, who was a man of prudence, and who took care to execute the laws, and observe the charter of liberties, bore the chief sway in the government.

But the English in vain flattered themselves that they should be long free from the dominion of foreigners. The king, having (A. D. 1236. Jan. 14th) married Eleanor, daughter of the Count of Provence (Rymer, vol. 1, p. 448; M. Paris, p. 286), was surrounded by a great number of strangers from that country, whom he caressed with the fondest affection, and enriched by an immoderate generosity.<sup>1</sup> The Bishop of

<sup>1</sup> M. Paris, p. 276, 301, 305, 326, 541. M. West, p. 342, 304.



Valence, a prelate of the house of Savoy, and maternal uncle to the queen, was his chief minister, and employed every art to amass wealth for himself and his relations. Peter of Savoy, a brother of the same family, was invested in the honour of Richmond, and received the rich wardship of Earl Warrenne; Boniface of Savoy was promoted to the see of Canterbury: many young ladies were invited over from Provence, and married to the chief noblemen in England, who were the king's wards (M. Paris, p. 484, M. West, p. 338); and as the source of Henry's bounty began to fail, his Savoyard ministry applied to Rome, and obtained a bull, permitting him to resume all past grants; absolving him from the oath which he had taken to maintain them, even enjoining him to make such a resumption, and representing those grants as invalid, on account of the prejudice which ensued from them to the Roman pontiff, in whom the superiority of the kingdom was vested (M. Paris, p. 295, 301). The opposition made to the intended resumption prevented it from taking place; but the nation saw the indignities to which the king was willing to submit, in order to gratify the avidity of his foreign favourites. About the same time, he published in England the sentence of excommunication pronounced against the emperor Frederic, his brother-in-law (Rymer, vol. i., p. 383), and said in excuse, that, being the Pope's vassal, he was obliged by his allegiance to obey all the commands of his holiness. In this weak reign, when any neighbouring potentate insulted the king's dominions, instead of taking revenge for the injury, Henry complained to the Pope as his superior lord, and begged him to give protection to his vassal (Chron. Dunst., vol. i., p. 150).

The resentment of the English barons rose high, at the preference given to foreigners; but no remonstrance or complaint could ever prevail on the king to abandon them, or even to moderate his attachment towards them. After the Provençals and Savoyards might have been supposed pretty well satiated with the dignities and riches which they had acquired, a new set of hungry foreigners were invited over, and shared among them those favours, which the king ought in policy to have conferred on the English nobility, by whom his government could have been supported and defended. His mother, Isabella, who had been unjustly taken by the late king from the Count de la Marche, to whom she was betrothed, was no sooner mistress of herself by the death of her husband, than she (A.D. 1247) married that nobleman (Trivet, p. 174), and she had born him four sons, Guy, William, Geoffrey, and Aymer, whom she sent over to England, in order to pay a visit to their brother. The good-natured and affectionate disposition of Henry was moved at the sight of such near relations, and he considered neither his own circumstances, nor the inclinations of his people, in the honours and riches which he conferred upon them.<sup>1</sup> Complaints rose as high against the credit of the Gascon, as ever they had done against that of the Poictevin and of the Savoyard favourites, and to a nation prejudiced against them, all their measures appeared exceptionable and criminal. Violations of the great charter were frequently mentioned; and it is indeed more than probable, that foreigners, ignorant of the laws, and relying on the boundless affections of a

<sup>1</sup> M. Paris, p. 492, M. West, p. 338; Knyghton, p. 2436

weak prince, would, in an age when a regular administration was not anywhere known, pay more attention to their present interest than to the liberties of the people. It is reported that the Poitevins, and other strangers, when the laws were at any time appealed to, in opposition to their oppressions, scrupled not to reply, 'What did the English laws signify to them? They minded them not' And as words are often more offensive than actions, this open contempt of the English tended much to aggravate the general discontent, and made every act of violence, committed by the foreigners, appear not only an injury, but an affront to them.<sup>1</sup>

I reckon not among the violations of the great charter some arbitrary exertions of prerogative to which Henry's necessities pushed him, and which, without producing any discontent, were uniformly continued by all his successors, till the last century. As the parliament often refused him supplies, and that in a manner somewhat rude and indecent (M. Paris, p. 301), he obliged his opulent subjects, particularly the citizens of London, to grant him loans of money; and it is natural to imagine, that the same want of economy which reduced him to the necessity of borrowing, would prevent him from being very punctual in the repayment (M. Paris, p. 406). He demanded benevolences, or pretended voluntary contributions, from his nobility and prelates (M. Paris, p. 507). He was the first King of England since the conquest, that could fairly be said to lie under the restraint of law, and he was also the first that practised the dispensing power, and employed the clause of 'non obstante' in his grants and patents. When objections were made to this novelty, he replied, that the Pope exercised that authority; and why might not he imitate their example? But the abuse which the Pope made of his dispensing power, in violating the canons of general councils, in invading the privileges and customs of all particular churches, and in usurping on the rights of patrons, was more likely to excite the jealousy of the people, than to reconcile them to a similar practice in their civil government. Roger de Thwinesby, one of the king's justices, was so displeased, that he exclaimed, 'Alas! what times are we fallen into? Behold, the civil court is corrupted in imitation of the ecclesiastical, and the river is poisoned from that fountain.'

The king's partiality and profuse bounty to his foreign relations, and to their friends and favourites, would have appeared more tolerable to the English, had anything been done meanwhile for the honour of the nation, or had Henry's enterprises in foreign countries been attended with any success or glory to himself or to the public. At least, such military talents in the king would have served to keep his barons in awe, and have given weight and authority to his government. But though he declared war against Lewis IX. in 1242, and made an expedition into Guenne, upon the invitation of his father-in-law, the Count de la Marche, who promised to join him with all his forces, he was unsuccessful in his attempts against that great monarch, was worsted at Taillebourg, was deserted by his allies, lost what remained to him of Poitou, and was obliged to return, with loss of honour into England.<sup>2</sup> The Gascon nobility were attached to the English government; be-

<sup>1</sup> M. Paris, pp. 566, 666, Ann Waverl., p. 224; Chron. Dunst., vol. 1, p. 335.

<sup>2</sup> M. Paris, pp. 393, 394, 398, 399, 405. W. Heming, p. 574, Chron. Dunst., vol. 1, p. 233.

cause the distance of their sovereign allowed them to remain in a state of almost total independence, and they (A D. 1253) claimed, some time after, Henry's protection against an invasion which the King of Castile made upon that territory. Henry returned into Guienne, and was more successful in this expedition; but he thereby involved himself and his nobility in an enormous debt, which both increased their discontents, and exposed him to greater danger from their enterprises (Matt. Paris, p. 614).

Want of economy and an ill-judged liberality were Henry's great defects; and his debts even before this expedition, had become so troublesome, that he sold all his plate and jewels in order to discharge them. When this expedient was first proposed to him, he asked where he should find purchasers? It was replied, the citizens of London. 'On my word,' said he, 'if the treasury of Augustus were brought to sale, the citizens are able to be the purchasers, these clowns who assume to themselves the name of barons, abound in everything, while we are reduced to necessities' (Ibid., p. 501), and he was thenceforth observed to be more forward and greedy in his exactions upon the citizens (Ibid., pp. 501, 507, 518, 578, 606, 625, 648).

But the grievances which the English during this reign had reason to complain of in the civil government, seem to have been still less burthensome than those which they suffered from the usurpations and exactions of the court of Rome. On the death of Langton, in 1228, the monks of Christ Church elected Walter de Hemesham, one of their own body, for his successor; but as Henry refused to confirm the election, the Pope, at his desire, annulled it (M. Paris, p. 244), and immediately appointed Richard, Chancellor of Lincoln, for Archbishop, without waiting for a new election. On the death of Richard, in 1231, the monks elected Ralph de Neville Bishop of Chichester, and though Henry was much pleased with the election, the Pope, who thought that prelate too much attached to the crown, assumed the power of annulling his election (Ibid., p. 254); he rejected two clergymen more, whom the monks had successively chosen, and he at last told them that if they would elect Edmond treasurer of the church of Salisbury, he would confirm their choice; and his nomination was complied with. The Pope had the prudence to appoint both times very worthy primates, but men could not forbear observing his intention of thus drawing gradually to himself the right of bestowing that important dignity.

The avarice however, more than the ambition of the see of Rome, seems to have been in this age the ground of general complaint. The papal ministers, finding a vast stock of power amassed by their predecessors, were desirous of turning it to immediate profit, which they enjoyed at home, rather than of enlarging their authority in distant countries where they never intended to reside. Everything was become venal in the Romish tribunals, simony was openly practised, no favours and even no justice could be obtained without a bribe, the highest bidder was sure to have the preference, without regard either to the merits of the person or of the cause; and besides the usual perversions of right in the decision of controversies, the pope openly assumed an absolute and uncontrolled authority of setting aside by the

plenitude of his apostolic power, all particular rules and all privileges of patrons, churches, and convents, On pretence of remedying these abuses, Pope Honorius, in 1226, complaining of the poverty of his see as the source of all grievances, demanded from every cathedral two of the best prebends, and from every convent two monks' portions, to be set apart as a perpetual and settled revenue of the papal crown; but all men being sensible that the revenue would continue for ever, the abuses immediately return, his demand was unanimously rejected. About three years after, the Pope demanded and obtained the tenth of all ecclesiastical revenues, which he levied in a very oppressive manner, requiring payment before the clergy had drawn their rents and tithes, and sending about usurers, who advanced them the money at exorbitant interest. In the year 1240, Otho, the legate, having in vain attempted the clergy in a body, obtained separately, by intrigues and menaces, large sums from the prelates and convents, and on his departure is said to have carried more money out of the kingdom than he left in it. This experiment was renewed four years after with success by Martin the nuncio, who brought from Rome powers of suspending and excommunicating all clergymen that refused to comply with his demands. The king, who relied on the Pope for the support of his tottering authority, never failed to countenance those exactions.

Meanwhile all the chief benefices of the kingdom were conferred on Italians; great numbers of that nation were sent over at one time to be provided for, non-residence and pluralities were carried to an enormous height; Mansel, the king's chaplain, is computed to have held at once seven hundred ecclesiastical livings, and the abuses became so evident as to be palpable to the blindness of superstition itself. The people, entering into associations, rose against the Italian clergy, pillaged their barns, wasted their lands, insulted the persons of such of them as they found in the kingdom (Rymer, vol. 1., pp. 323, M. Paris, pp. 255, 257); and when the justices made inquiry into the authors of this disorder, the guilt was found to involve so many, and those of such high rank, that it passed unpunished. At last, when Innocent IV., in 1245, called a general council at Lyons, in order to excommunicate the Emperor Frederic, the king and nobility sent over agents to complain before the council of the rapacity of the Romish church. They represented among many other grievances, that the benefices of the Italian clergy in England had been estimated, and were found to amount to 60,000 marks<sup>1</sup> a year, a sum which exceeded the annual revenue of the crown itself<sup>2</sup>. They obtained only an evasive answer from the Pope, but as mention had been made before the council of the feudal subjection of England to the see of Rome, the English agents, at whose head was Roger Bigod, Earl of Norfolk, exclaimed against the pretension, and insisted that King John had no right, without the consent of his barons, to subject the kingdom to so ignominious a servitude (M. Paris, p. 460). The Popes indeed, afraid of carrying matters too far against England, seem thenceforth to have little insisted on that pretension.

<sup>1</sup> Innocent's bull in Rymer, vol. 1, p. 471, says only 50,000 marks a year.

<sup>2</sup> M. Paris, p. 451. The customs were part of Henry's revenue, and amounted to 6000*l* a year: they were at first small sums paid by the merchants for the use of the king's warehouses, measures, weights, &c. Gilbert's Hist. of the Exch., p. 214.

This check received at the council of Lyons, was not able to stop the court of Rome in its rapacity; Innocent exacted the revenues of all vacant benefices, the twentieth of all ecclesiastical revenues without exception, the third of such as exceeded a 100 marks a year, and the half of such as were possessed by non-residents (M. Paris, p. 480; Ann. Burt, pp. 305, 373), he claimed the goods of all intestate clergymen (M. Paris, p. 474), he pretended a title to inherit all money gotten by usury; he levied benevolences upon the people; and when the king, contrary to his usual practice, prohibited these exactions, he threatened to pronounce against him the same censures which he had emitted against the Emperor Frederic (M. Paris, p. 476).

But the most oppressive expedient employed by the Pope, was (A.D. 1255) the embarking of Henry in a project for the conquest of Naples, or Sicily on this side the Fare, as it was called, an enterprise which threw much dishonour on the king, and involved him during some years, in great trouble and expense. The Romish church taking advantage of favourable incidents, had reduced the kingdom of Sicily to the same state of feudal vassalage which she pretended to extend over England, and which, by reason of the distance, as well as high spirit of this latter kingdom, she was not able to maintain. After the death of the emperor Frederic II., the succession of Sicily devolved to Conradine, grandson of that monarch, and Mainfroy, his natural son, under pretence of governing the kingdom during the minority of the prince, had formed a scheme of establishing his own authority. Pope Innocent, who had carried on violent war against the Emperor Frederic, and had endeavoured to dispossess him of his Italian dominions, still continued hostilities against his grandson, but being disappointed in all his schemes by the activity and artifices of Mainfroy, he found that his own force alone was not sufficient to bring to a happy issue so great an enterprise. He pretended to dispose of the Sicilian crown, both as superior lord of that particular kingdom and as vicar of Christ, to whom all kingdoms of the earth were subjected; and he made a tender of it to Richard, Earl of Cornwall, whose immense riches, he flattered himself, would be able to support the military operations against Mainfroy. As Richard had the prudence to refuse the present (M. Paris, p. 650), he applied to the king, whose levity and thoughtless disposition gave Innocent more hopes of success, and he offered him the crown of Sicily for his second son, Edmond.<sup>1</sup> Henry, allured by so magnificent a present, without reflecting on the consequences, without consulting either his brother or the parliament, accepted of the insidious proposal, and gave the Pope unlimited credit to expend whatever sums he thought necessary for completing the conquest of Sicily. Innocent who was engaged by his own interests to wage war with Mainfroy, was glad to carry on his enterprises at the expense of his ally; Alexander IV, who succeeded him in the papal throne, continued the same policy; and Henry was surprised to find himself on a sudden involved in an immense debt which he had never been consulted in contracting. The sum already amounted to 135,541 marks besides interest;<sup>2</sup> and he had the prospect if he answered this demand,

<sup>1</sup> Rymer, vol. 1, pp. 502, 512, 530; M. Paris, pp. 599, 613.

<sup>2</sup> Rymer, vol. 1, p. 587, Chron. Dunst., vol. 1, p. 319.

of being soon loaded with more exorbitant expenses; if he refused it, of both incurring the Pope's displeasure and losing the crown of Sicily, which he hoped soon to have the glory of fixing on the head of his son.

He applied to the parliament for supply, and that he might be sure not to meet with opposition, he sent no writs to the more refractory barons; but even those who were summoned, sensible of the ridiculous cheat imposed by the Pope, determined not to lavish their money on such chimerical projects; and making a pretext of the absence of their brethren, they refused to take the king's demands into consideration (M. Paris, p. 614). In this extremity the clergy were his only resource, and as both their temporal and spiritual sovereign concurred in loading them, they were ill able to defend themselves against this authority.

The Pope published a crusade for the conquest of Sicily; and required every one, who had taken the cross against the infidels, or had vowed to advance money for that service, to support the war against Mainfroy, a more terrible enemy, as he pretended, to the Christian faith than any Saracen (Rymer, vol. i., pp. 547, 548, etc.). He levied a tenth on all ecclesiastical benefices in England for three years; and gave orders to excommunicate all bishops who made not punctual payment. He granted to the king the goods of intestate clergymen, the revenues of vacant benefices, the revenues of all non-residents (Rymer, vol. i., pp. 597, 598). But these taxations, being levied by some rule, were deemed less grievous than another imposition, which arose from the suggestion of the Bishop of Hereford, and which might have opened the door to endless and intolerable abuses.

This prelate, who resided at the court of Rome by a deputation from the English church, drew bills of different values, but amounting on the whole to 150,540 marks, on all the bishops and abbots of the kingdom; and granted these bills to Italian merchants, who, it was pretended, had advanced money for the service of the war against Mainfroy.<sup>1</sup> As there was no likelihood of the English prelates submitting without compulsion to such an extraordinary demand, Rustand, the legate, was charged with the commission of employing authority to that purpose; and he summoned an assembly of the bishops and abbots, whom he acquainted with the pleasure of the Pope and of the king. Great were the surprise and indignation of the assembly; the Bishop of Worcester exclaimed, that he would lose his life rather than comply, the Bishop of London said, that the Pope and king were more powerful than he, but if his mitre were taken off his head, he would clap on a helmet in its place (M. Paris, p. 614). The legate was no less violent on the other hand; and he told the assembly in plain terms, that all ecclesiastical benefices were the property of the Pope, and he might dispose of them, either in whole or in part, as he saw proper (M. Paris, p. 619). In the end, the bishops and abbots, being threatened with excommunication, which made all their revenues fall into the king's hands, were obliged to submit to the exaction; and the only mitigation which the legate allowed them was, that the tenths already granted should be accepted as a partial payment of the bills.

<sup>1</sup> M. Paris, pp. 612, 628; Chron. T. Wykes, p. 54.

But the money was still insufficient for the Pope's purpose; the conquest of Sicily was as remote as ever; the demands which came from Rome were endless, Pope Alexander became so urgent a creditor, that he sent over a legate to England, threatening the kingdom with an interdict, and the king with excommunication, if the arrears, which he pretended to be due to him, were not instantly remitted (Rymer, vol. 1, p. 624). And at last, Henry, sensible of the cheat, began to think of breaking off the agreement, and of resigning into the Pope's hands that crown which it was not intended by Alexander that he or his family should ever enjoy (*Ibid*, vol. 1, p. 630).

The Earl of Cornwall had now reason to value himself on his foresight in refusing the fraudulent bargain with Rome, and in preferring the solid honours of an opulent and powerful prince of the blood of England, to the empty and precarious glory of a foreign dignity. But he had not always firmness sufficient to adhere to this resolution; his vanity and ambition prevailed at last over his prudence and his avarice; and he was engaged in an enterprise no less extensive and vexatious than that of his brother, and not attended with much greater probability of success. The immense opulence of Richard having made the German princes cast their eye on him as a candidate for the empire, he was tempted to expend vast sums of money on his election, and he succeeded so far as to be chosen King of the Romans, which seemed to render his succession infallible to the imperial throne. He went over to Germany, and carried out of the kingdom no less a sum than 700,000 marks, if we may credit the account given by some ancient authors,<sup>1</sup> which is probably much exaggerated.<sup>2</sup> His money, while it lasted, procured him friends and partisans; but it was soon drained from him by the avidity of the German princes; and having no personal or family connections in that country, and no solid foundation of power, he found at last, that he had lavished away the frugality of a whole life, in order to procure a splendid title; and that his absence from England, joined to the weakness of his brother's government, gave reins to the turbulent dispositions of the English barons, and involved his own country and family in great calamities.

The successful revolt of the nobility from King John, and their imposing on him and his successors limitations of their royal power, had made them feel their own weight and importance, had set a dangerous precedent of resistance, and being followed by a long minority, had impoverished, as well as weakened that crown, which they were at last induced, from the fear of worse consequences, to replace on the head of young Henry. In the king's situation, either great abilities and vigour were requisite to overawe the barons, or

<sup>1</sup> *M Paris*, p. 638. The same author, a few pages before, makes Richard's treasures amount to little more than half the sum, p. 634. The king's dissensions and expenses, throughout his whole reign, according to the same author, had amounted only to about 940,000 marks, p. 638.

<sup>2</sup> The sums mentioned by ancient authors, who were almost all monks, are often improbable, and never consistent. But we know from an infallible authority, the public remonstrance to the council of Lyons, that the king's revenues were below 60,000 marks a year. His brother therefore could never have been master of 700,000 marks, especially as he did not sell his estates in England, as we learn from the same author. And we hear afterwards of his ordering all his woods to be cut, in order to satisfy the rapacity of the German princes, his son succeeded to the earldom of Cornwall and his other revenues.

great caution and reserve to give them no pretence for complaints; and it must be confessed, that this prince was possessed of neither of these talents. He had not prudence to choose right measures; he wanted even that constancy which sometimes gives weight to wrong ones; he was entirely devoted to his favourites, who were always foreigners; he lavished on them without discretion his diminished revenue; and finding that his barons indulged their disposition towards tyranny, and observed not to their own vassals the same rules which they had imposed on the crown, he was apt in his administration, to neglect all the salutary articles of the Great Charter, which he remarked to be so little regarded by his nobility. This conduct had extremely lessened his authority in the kingdom; had multiplied complaints against him; and had frequently exposed him to affronts, and even to dangerous attempts upon his prerogative. In the year 1244, when he desired a supply from parliament, the barons, complaining of the frequent breaches of the Great Charter, and of the many fruitless applications which they had formerly made for the redress of this and other grievances, demanded in return, that he should give them the nomination of the great justiciary and of the chancellor, to whose hands chiefly the administration of justice was committed; and, if we may credit the historian (M. Paris, p. 432), they had formed the plan of other limitations, as well as of associations to maintain them, which would have reduced the king to be an absolute cypher, and have held the crown in perpetual pupillage and dependence. The king, to satisfy them, would agree to nothing but a renewal of the charter, and a general permission to excommunicate all the violators of it; and he received no supply, except a scutage of twenty shillings on each knight's fee for the marriage of his eldest daughter to the King of Scotland, a burthen which was expressly annexed to their feudal tenures.

Four years after, in a full parliament, when Henry demanded a new supply, he was openly reproached with a breach of his word, and the frequent violations of the charter. He was asked, whether he did not blush to desire any aid from his people, whom he professedly hated and despised, to whom on all occasions he preferred aliens and foreigners, and who groaned under the oppressions which he either permitted or exercised over them. He was told that, besides disparaging his nobility by forcing them to contract unequal and mean marriages with strangers, no rank of men was so low as to escape vexations from him or his ministers, that even the victuals consumed in his household, the clothes which himself and his servants wore, still more the wine which they used, were all taken by violence from the lawful owners, and no compensation was ever made them for the injury, that foreign merchants, to the great prejudice and infamy of the kingdom, shunned the English harbours, as if they were possessed by pirates, and the commerce with all nations was thus cut off by these acts of violence; that loss was added to loss, and injury to injury, while the merchants, who had been despoiled of their goods, were also obliged to carry them at their own charge to whatever place the king was pleased to appoint them; that even the poor fishermen on the coast could not escape his oppressions and those of his courtiers; and finding that they had not



full liberty to dispose of their commodities in the English market, were frequently constrained to carry them to foreign ports, and to hazard all the perils of the ocean, rather than those which awaited them from his oppressive emissaries; and that his very religion was a ground of complaint to his subjects, while they observed, that the waxen tapers and splendid silks employed in so many useless processions, were the spoils which he had forcibly ravished from the true owners (M. Paris, pp 498, 578; M. West, p. 348) Throughout this remonstrance, in which the complaints, derived from an abuse of the ancient right of purveyance, may be supposed to be somewhat exaggerated, there appears a strange mixture of regal tyranny in the practices which gave rise to it, and of aristocratical liberty, or rather licentiousness, in the expressions employed by the parliament. But a mixture of this kind is observable in all the ancient feudal governments; and both of them proved equally hurtful to the people.

As the king in answer to their remonstrance, gave the parliament only good words and fair promises, attended with the most humble submissions, which they had often found deceitful, he obtained at that time no supply; and therefore, in the year 1253, when he found himself again under the necessity of applying to parliament, he had provided a new pretence, which he deemed infallible, and taking the vow of a crusade, he demanded their assistance in that pious enterprise.<sup>1</sup> The parliament, however, for some time hesitated to comply; and the ecclesiastical order sent a deputation, consisting of four prelates, the primate, and the Bishops of Winchester, Salisbury, and Carlisle, in order to remonstrate with him on his frequent violations of their privileges, the oppressions with which he had loaded them and all his subjects (M. Paris, p. 568), and the uncanonical and forced elections which were made to vacant dignities. 'It is true,' replied the king, 'I have been somewhat faulty in this particular; I obtruded you, my lord of Canterbury, upon your see; I was obliged to employ both entreaties and menaces, my lord of Winchester, to have you elected. My proceedings, I confess, were very irregular, my lords of Salisbury and Carlisle, when I raised you from the lowest stations to your present dignities; I am determined henceforth to correct these abuses; and it will also become you, in order to make a thorough reformation, to resign your present benefices; and try to enter again in a more regular and canonical manner' (M. Paris, p. 579). The bishops, surprised at these unexpected sarcasms, replied, that the question was not at present how to correct past errors, but to avoid them for the future. The king promised redress both of ecclesiastical and civil grievances; and the parliament in return agreed to grant him a supply, a tenth of the ecclesiastical benefices, and a scutage of three marks on each knight's fee. But as they had experienced his frequent breach of promise, they required that he should ratify the Great Charter in a manner still more authentic and more solemn than any which he had hitherto employed. All the prelates and abbots were assembled: they held burning tapers in their hands; the Great Charter was read before them, they denounced the sentence of excommunication against every one who should thenceforth violate that fundamental law; they threw

<sup>1</sup> M. Paris, pp 578, 558, 568; Chron. Dunst., vol. i., p. 293.

their tapers on the ground, and exclaimed, 'May the soul of every one who incurs this sentence so stink and corrupt in hell!' The king bore a part in this ceremony, and subjoined, 'So help me God, I will keep all the articles inviolate, as I am a man, as I am a Christian, as I am a knight, and as I am a king crowned and anointed.'<sup>1</sup> Yet was the tremendous ceremony no sooner finished, than his favourites, abusing his weakness, made him return to the same arbitrary and irregular administration; and the reasonable expectations of his people were thus perpetually eluded and disappointed.<sup>2</sup>

All these imprudent and illegal measures afforded (A.D. 1258) a pretence to Simon de Montfort, Earl of Leicester, to attempt an innovation in the government, and to wrest the sceptre from the feeble and irresolute hand which held it. This nobleman was a younger son of that Simon de Montfort, who had conducted with such valour and renown the crusade against the Albigenses, and who, though he tarnished his famous exploits by cruelty and ambition, had left a name very precious to all the bigots of that age, particularly to the ecclesiastics. A large inheritance in England fell by succession to this family; but as the elder brother enjoyed still more opulent possessions in France, and could not perform fealty to two masters, he transferred his right to Simon, his younger brother, who came over to England, did homage for his lands, and was raised to the dignity of Earl of Leicester. In the year 1238, he espoused Eleanor, dowager of William Earl of Pembroke, and sister to the king (*Ibid.*, p. 314); but the marriage of this princess with a subject and a foreigner, though contracted with Henry's consent, was loudly complained of by the Earl of Cornwall and all the barons of England, and Leicester was supported against their violence, by the king's favour and authority alone (*Ibid.*, p. 315). But he had no sooner established himself in his possessions and dignities, than he acquired, by insinuation and address, a strong interest with the nation, and gained equally the affections of all orders of men. He lost, however, the friendship of Henry, from the usual levity and fickleness of that prince; he was banished the court, he was recalled; he was entrusted with the command of Guienne (*Rymer*, vol. 1, pp. 459, 513), where he did good service and acquired honour; he was again disgraced by the king, and his banishment from court seemed now final and irrevocable. Henry called him traitor to his face; Leicester gave him the lie, and told him, that if he were not his sovereign, he would soon make him repent of that insult. Yet was this quarrel accommodated either from the good nature or timidity of the king, and Leicester was again admitted into some degree of favour and authority. But as this nobleman was become too great to preserve an entire complaisance to Henry's humours, and to act in subserviency to his other minions, he found more advantage in cultivating his interest with the public, and in inflaming the general discontents which prevailed against the administration. He filled every place with complaints against the infringement of the Great Charter, the acts of violence committed on the people, the combination between the Pope

<sup>1</sup> *M. Paris*, p. 580, *Ann. Burt.* p. 323; *Ann. Waverl.* p. 220; *W. Heming*, p. 572; *M. West.*, p. 353.

<sup>2</sup> *M. Paris*, pp. 597, 608.

and the king in their tyranny and extortions, Henry's neglect of his native subjects and barons; and though himself a foreigner, he was more loud than any in representing the indignity of submitting to the dominion of foreigners. By his hypocritical pretensions to devotion, he gained the favour of the zealots and clergy, by his seeming concern for public good, he acquired the affections of the public, and besides the private friendships which he had cultivated with the barons, his animosity against the favourites created an union of interests between him and that powerful order.

A recent quarrel which broke out between Leicester and William de Valence, Henry's half-brother and chief favourite, brought matters to extremity (*M. Paris*, p. 649), and determined the former to give full scope to his bold and unbounded ambition, which the laws and the king's authority had hitherto with difficulty restrained. He secretly called a meeting of the most considerable barons, particularly Humphrey de Bohun, high constable, Roger Bigod, Earl Mareschal, and the Earls of Warwick and Gloucester, men who by their family and possessions stood in the first rank of the English nobility. He represented to this company the necessity of reforming the state, and of putting the execution of the laws into other hands than those which had hitherto appeared, from repeated experience, so unfit for the charge with which they were entrusted. He exaggerated the oppressions exercised against the lower orders of the state, the violations of the barons' privileges, the continued depredations made on the clergy; and in order to aggravate the enormity of his conduct, he appealed to the Great Charter, which Henry had so often ratified, and which was calculated to prevent for ever the return of those intolerable grievances. He magnified the generosity of their ancestors, who, at a great expense of blood, had extorted that famous concession from the crown; but lamented their own degeneracy, who allowed so important an advantage, once obtained, to be wrested from them by a weak prince and by insolent strangers. And Leicester insisted that the king's word, after so many submissions and fruitless promises on his part, could no longer be relied on; and that nothing but his absolute inability to violate national privileges could henceforth ensure the regular observance of them.

These topics, which were founded in truth, and suited so well the sentiments of the company, had the desired effect; and the barons embraced a resolution of redressing the public grievances, by taking into their own hands the administration of government. Henry having summoned a parliament, in expectation of receiving supplies for his Sicilian project, the barons appeared in the hall, clad in complete armour, and with their swords by their side. The king, on his entry, struck with the unusual appearance, asked them what was their purpose, and whether they pretended to make him their prisoner (*Annal. Theokesbury*)? Roger Bigod replied, in the name of the rest, that he was not their prisoner, but their sovereign, that they even intended to grant him large supplies, in order to fix his son on the throne of Sicily; that they only expected some return for this expense and service; and that, as he had frequently made submissions to the parliament, had acknowledged his past errors, and had still allowed himself to be

carried into the same path, which gave them such just reason of complaint, he must now yield to more strict regulations, and confer authority on those who were able and willing to redress the national grievances. Henry, partly allured by the hopes of supply, partly intimidated by the union and martial appearance of the barons, agreed to their demand; and promised to summon another parliament at Oxford, in order to digest the new plan of government, and to elect the persons who were to be entrusted with the chief authority.

This parliament, which the royalists, and even the nation, from experience of the confusions that attended its measures, afterwards denominated the 'mad parliament,' met on the day appointed; and as all the barons brought along with them their military vassals, and appeared with an armed force, the king, who had taken no precautions against them, was in reality a prisoner in their hands, and was obliged to submit to all the terms which they were pleased to impose upon him. Twelve barons were selected from among the king's ministers; twelve more were chosen by parliament. to these twenty-four, unlimited authority was granted to reform the state; and the king himself took an oath that he would maintain whatever ordinances they should think proper to enact for that purpose.<sup>1</sup> Leicester was at the head of this supreme council, to which the legislative power was thus in reality transferred; and all their measures were taken by his secret influence and direction. Their first step bore a specious appearance, and seemed well calculated for the end which they professed to be the object of all these innovations: they ordered that four knights should be chosen by each county; that they should make inquiry into the grievances of which their neighbourhood had reason to complain, and should attend the ensuing parliament, in order to give information to that assembly of the state of their particular counties<sup>2</sup> a nearer approach to our present constitution than had been made by the barons in the reign of King John, when the knights were only appointed to meet in their several counties, and there to draw up a detail of their grievances. Meanwhile the twenty-four barons proceeded to enact some regulations, as a redress of such grievances as were supposed to be sufficiently notorious. They ordered that three sessions of parliament should be regularly held every year, in the months of February, June, and October; that a new sheriff should be annually elected by the votes of the freeholders in each county (Chron. Dunst., vol. 1., p. 336); that the sheriffs should have no power of fining the barons who did not attend their courts, or the circuits of the justices; that no heirs should be committed to the wardship of foreigners, and no castles intrusted to their custody; and that no new warrens or forests should be created, nor the revenues of any counties or hundreds be let to farm. Such were the regulations which the twenty-four barons established at Oxford, for the redress of public grievances.

But the Earl of Leicester and his associates, having advanced so far to satisfy the nation, instead of continuing in this popular course, or granting the king that supply which they had promised him, immediately provided for the extension and continuance of their own autho-

<sup>1</sup> Rymer, vol. 1., p. 655. Chron. Dunst., vol. 1., p. 334; Knyghton, p. 2445.

<sup>2</sup> M. Paris, p. 657, Addit., p. 140, Ann. Burt., p. 412.

rity. They roused anew the popular clamour which had long prevailed against foreigners; and they fell with the utmost violence on the king's half-brothers, who were supposed to be the authors of all national grievances, and whom Henry had no longer any power to protect. The four brothers, sensible of their danger, took to flight, with an intention of making their escape out of the kingdom. They were eagerly pursued by the barons, Aymer, one of the brothers, who had been elected to the see of Winchester, took shelter in his episcopal palace, and carried the others along with him. They were surrounded in that place, and threatened to be dragged out by force, and to be punished for their crimes and misdemeanours; and the king, pleading the sacredness of an ecclesiastical sanctuary, was glad to extricate them from this danger by banishing them the kingdom. In this act of violence, as well as in the former usurpations of the barons, the queen and her uncles were thought to have secretly concurred; being jealous of the credit acquired by the brothers, which, they found, had eclipsed and annihilated their own.

But the subsequent proceedings of the twenty-four barons were sufficient to open the eyes of the nation, and to prove their intention of reducing, for ever, both the king and the people under the arbitrary power of a very narrow aristocracy, which must at last have terminated either in anarchy, or in a violent usurpation and tyranny. They pretended that they had not yet digested all the regulations necessary for the reformation of the state, and for the redress of grievances; and that they must still retain their power, till that great purpose were thoroughly effected; in other words, that they must be perpetual governors, and must continue to reform, till they were pleased to abdicate their authority. They formed an association among themselves, and swore that they would stand by each other with their lives and fortunes, they displaced all the chief officers of the crown, the justiciary, the chancellor, the treasurer; and advanced either themselves or their own creatures in their place; even the offices of the king's household were disposed of at their pleasure; the government of all the castles was put into hands in whom they found reason to confide, and the whole power of the State being thus transferred to them, they ventured to impose an oath, by which all the subjects were obliged to swear, under the penalty of being declared public enemies, that they would obey and execute all the regulations, both known and unknown, of the twenty-four barons; and all this, for the greater glory of God, the honour of the Church, the service of the king, and the advantage of the kingdom (Chron. T. Wykes, p. 52). No one dared to withstand this tyrannical authority: Prince Edward himself, the king's eldest son, a youth of eighteen, who began to give indications of that great and manly spirit which appeared throughout the whole course of his life, was, after making some opposition, constrained to take that oath, which really deposed his father and his family from sovereign authority (Ann. Burt., p. 411). Earl Warrenne was the last person in the kingdom that could be brought to give the confederated barons this mark of submission.

But the twenty-four barons, not content with the usurpation of the royal power, introduced an innovation in the constitution of parliament

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which was of the utmost importance. They ordained, that this assembly should choose a committee of twelve persons, who should, in the intervals of the sessions, possess the authority of the whole parliament, and should attend, on a summons, the person of the king, in all his motions. But so powerful were these barons, that this regulation was also submitted to, the whole government was overthrown, or fixed on new foundations; and the monarchy was totally subverted, without its being possible for the king to strike a single stroke in defence of the constitution against the newly-elected oligarchy.

The report that (A.D. 1259) the King of the Romans intended to pay a visit to England, gave alarm to the ruling barons, who dreaded lest the extensive influence and established authority of that prince would be employed to restore the prerogatives of his family, and overturn their plan of government (M. Paris, p. 661). They sent over the Bishop of Worcester, who met him at St. Omers; asked him, in the name of the barons, the reason of his journey, and how long he intended to stay in England, and insisted, that before he entered the kingdom, he should swear to observe the regulations established at Oxford. On Richard's refusal to take this oath, they prepared to resist him as a public enemy, they fitted out a fleet, assembled an army, and exciting the inveterate prejudices of the people against foreigners, from whom they had suffered so many oppressions, spread the report, that Richard, attended by a number of strangers, meant to restore by force the authority of his exiled brothers, and to violate all the securities provided for public liberty. The King of the Romans was at last obliged to submit to the terms required of him (Ibid., pp. 661, 662; Chion. T. Wykes, p. 53).

But the barons, in proportion to their continuance in power, began gradually to lose that popularity which had assisted them in obtaining it; and men repined, that regulations, which were occasionally established for the reformation of the State, were likely to become perpetual, and to subvert entirely the ancient constitution. They were apprehensive lest the power of the nobles, always oppressive, should now exert itself without control, by removing the counterpoise of the crown; and their fears were increased by some new edicts of the barons, which were plainly calculated to procure to themselves an impunity in all their violences. They appointed that the circuits of the itinerant justices, the sole check on their arbitrary conduct, should be held only once in seven years; and men easily saw that a remedy, which returned after such long intervals, against an oppressive power, which was perpetual, would prove totally insignificant and useless (M. Paris, p. 667; Trivet, p. 209). The cry became loud in the nation, that the barons should finish their intended regulations. The knights of the shires, who seem now to have been pretty regularly assembled, and sometimes in a separate house, made remonstrances against the slowness of their proceedings. They represented that, though the king had performed all the conditions required of him, the barons had hitherto done nothing for the public good, and had only been careful to promote their own private advantage, and to make inroads on royal authority; and they even appealed to Prince Edward, and claimed his interposition for the interests of the nation, and the reformation of the

government (Annal Brit, p 427) The prince replied, that though it was from constraint, and contrary to his private sentiments, he had sworn to maintain the provisions of Oxford, he was determined to observe his oath, but he sent a message to the barons, requiring them to bring their undertaking to a speedy conclusion, and fulfil their engagements to the public, otherwise, he menaced them, that at the expense of his life, he would oblige them to do their duty, and would shed the last drop of his blood in promoting the interests and satisfying the just wishes of the nation (Ibid, p 427).

The barons, urged by so pressing a necessity, published at last a new code of ordinances for the reformation of the state (Ibid, pp. 428, 439); but the expectations of the people were extremely disappointed, when they found that these consisted only of some trivial alterations in the municipal law, and still more, when the barons pretended that the task was not yet finished, and that they must farther prolong their authority, in order to bring the work of reformation to the desired period. The current of popularity was now much turned to the side of the crown, and the barons had little to rely on for their support, besides the private influence and power of their families, which, though exorbitant, was likely to prove inferior to the combination of king and people. Even this basis of power was daily weakened by their intestine jealousies and animosities, then ancient and inveterate quarrels broke out when they came to share the spoils of the crown; and the rivalry between the Earls of Leicester and Gloucester, the chief leaders among them, began to disjoint the whole confederacy. The latter, more moderate in his pretensions, was desirous of stopping or retarding the career of the baron's usurpations, but the former, enraged at the opposition which he met with in his own party, pretended to throw up all concern in English affairs, and he retired into France (Chion Dunst, vol 1, p 348).

The kingdom of France, the only state with which England had any considerable intercourse, was at this time governed by Lewis IX. a prince of the most singular character that is to be met with in all records of history. This monarch united, to the mean and abject superstition of a monk, all the courage and magnanimity of the greatest hero, and what may be deemed more extraordinary, the justice and integrity of a disinterested patriot, the mildness and humanity of an accomplished philosopher. So far from taking advantage of the divisions among the English, or attempting to expel those dangerous rivals from the provinces which they still possessed in France, he had entertained many scruples with regard to the sentence of attainer pronounced against the king's father, had even expressed some intention of restoring the other provinces, and was only prevented from taking that imprudent resolution by the united remonstrances of his own barons, who represented the extreme danger of such a measure (M. Paris, p. 604), and, what had a greater influence on Lewis, the justice of punishing by a legal sentence the barbarity and felony of John. Whenever this prince interposed in English affairs, it was always with an intention of composing the differences between the king and his nobility, he recommended to both parties every peaceable and reconciling measure, and he used all

his authority with the Earl of Leicester, his native subject, to bend him to a compliance with Henry. He made (May 20) a treaty with England, at the time when the distractions of that kingdom were at the greatest height, and when the king's authority was totally annihilated; and the terms which he granted might, even in a more prosperous state of their affairs be deemed reasonable and advantageous to the English. He yielded up some territories which had been conquered from Poitou and Guienne; he ensured the peaceable possession of the latter province to Henry; he agreed to pay that prince a large sum of money; and he only required that the king should in return make a final cession of Normandy, and the other provinces, which he could never entertain any hopes of recovering by force of arms<sup>1</sup>. This cession was ratified by Henry, by his two sons and two daughters, and by the King of the Romans and his three sons; Leicester alone, either moved by a vain arrogance, or desirous to ingratiate himself with the English populace, protested against the deed, and insisted on the right, however distant, which might accrue to his consort (Chron. T. Wykes, p. 53). Lewis saw in this obstinacy, the unbounded ambition of the man; and as the barons insisted that the money due by treaty should be at their disposal, not at Henry's, he also saw, and probably with regret, the low condition to which this monarch, who had more eried from weakness than from any bad intentions, was reduced by the turbulence of his own subjects.

But the situation of Henry soon after (A.D. 1261) wore a more favourable aspect. The twenty-four barons had now enjoyed the sovereign power near three years; and had visibly employed it, not for the reformation of the state, which was their first pretence, but for the aggrandizement of themselves and of their families. The breach of trust was apparent to all the world, every order of men felt it, and murmured against it, the dissensions among the barons themselves, which increased the evil, made also the remedy more obvious and easy; and the secret desertion, in particular, of the Earl of Gloucester to the crown, seemed to promise Henry certain success in any attempt to resume his authority. Yet durst he not take that step, so reconcilable both to justice and policy, without making a previous application to Rome, and desiring an absolution from his oaths and engagements (Ann. Burt., p. 389).

The Pope was at this time much dissatisfied with the conduct of the barons, who, in order to gain the favour of the people and clergy of England, had expelled all the Italian ecclesiastics, had confiscated their benefices, and seemed determined to maintain the liberties and privileges of the English Church, in which the rights of patronage belonging to their own families were included. The extreme animosity of the English clergy against the Italians was also a source of his disgust to this order, and an attempt which had been made by them for further liberty and greater independence on the civil power was therefore less acceptable to the court of Rome (Rymer, vol. 1., p. 755). About the same time that the barons at Oxford

<sup>1</sup> Rymer, vol. 1., p. 675; M. Paris, p. 566; Chron. T. Wykes, p. 53; Trivet, p. 208, M. West., 371.



had annihilated the prerogatives of the monarchy, the clergy met in a synod at Merton, and passed several ordinances which were no less calculated to promote their own grandeur at the expense of the crown. They decreed that it was unlawful to try ecclesiastics by secular judges; that the clergy were not to regard any prohibitions from civil courts; that lay-patrons had no right to confer spiritual benefices; that the magistrate was obliged, without further inquiry, to imprison all excommunicated persons; and that ancient usage, without any particular grant or charter, was a sufficient authority for any clerical possessions or privileges (Ann. Burt., p. 389). About a century before, these claims would have been supported by the court of Rome beyond the most fundamental articles of faith, they were the chief points maintained by the great martyr, Becket, and his resolution in defending them had exalted him to the high station which he held in the catalogue of Romish saints. But principles were changed with the times. the Pope was become somewhat jealous of the great independence of the English clergy, which made them stand less in need of his protection, and even emboldened them to resist his authority, and to complain of the preference given to the Italian courtiers, whose interests it is natural to imagine, were the chief object of his concern. He was ready therefore on the king's application, to annul his new constitutions of the Church of England (Rymer, vol 1, p. 755). And, at the same time, he absolved the king and his subjects from the oath which they had taken to observe the provisions of Oxford<sup>1</sup>.

Prince Edward, whose liberal mind, though in such early youth, had taught him the great prejudice which his father had incurred by his levity, inconstancy, and frequent breach of promise, refused for a long time to take advantage of this absolution; and declared that the provisions of Oxford, how unreasonable soever in themselves, and how much soever abused by the barons, ought still to be adhered to by those who had sworn to observe them (M Paris, p. 667). He himself had been constrained by violence to take that oath; yet was he determined to keep it. By this scrupulous fidelity, the prince acquired the confidence of all parties, and was afterwards enabled to recover fully the royal authority, and to perform such great actions, both during his own reign and that of his father.

The situation of England during this period, as well as that of most European kingdoms, was somewhat peculiar. There was no regular military force maintained in the nation; the sword, however, was not, properly speaking, in the hands of the people; the barons were alone entrusted with the defence of the community, and after any effort which they made, either against their own prince or against foreigners, as the military retainers departed home, the armies were disbanded, and could not speedily be reassembled at pleasure. It was easy therefore, for a few barons, by a combination, to get the start of the other party, to collect suddenly their troops, and to appear unexpectedly in the field with an army, which their antagonists, though equal, or even superior in power and interest, would not dare to encounter. Hence the sudden revolutions which often took place in those governments; hence the fre-

<sup>1</sup> Rymer, vol i., p. 722; M. Paris, p. 666; W. Heming, p. 580; Ypod Neust, p. 468; Knyghton, p. 2446.

quent victories obtained without a blow by one faction over the other; and hence it happened, that the seeming prevalence of a party was seldom a prognostic of its long continuance in power and authority.

The king, as soon as he received (A.D. 1262) the Pope's absolution from his oath, accompanied with menaces of excommunication against all opponents, trusting to the countenance of the Church, to the support promised him by many considerable barons, and to the returning favour of the people, immediately took off the mask. After justifying his conduct by a proclamation, in which he set forth the private ambition and the breach of trust conspicuous in Leicester and his associates, he declared that he had resumed the government, and was determined thenceforth to exert the royal authority for the protection of his subjects. He removed Hugh le Despenser and Nicholas de Ely, the justiciary and chancellor appointed by the barons, and put Philip Basset and Walter de Meiton in their place. He substituted new sheriffs in all the counties, men of character and honour; he placed new governors in most of the castles; he changed all the officers of his household, he summoned (April 23) a parliament, in which the resumption of his authority was ratified, with only five dissenting voices, and the barons, after making one fruitless effort to take the king by surprise at Winchester, were obliged to acquiesce in those new regulations (M. Paris, p. 668, Chron. T. Wykes, p. 55).

The king, in order to cut off every objection to his conduct, offered to refer all the differences between him and the Earl of Leicester, to Margaret Queen of France (Rymer, vol. 1, p. 724). The celebrated integrity of Lewis gave a mighty influence to any decision which issued from his court, and Henry, probably hoped that the gallantry, on which all barons, as true knights, valued themselves, would make them ashamed not to submit to the award of that princess. Lewis merited the confidence reposed in him. By an admirable conduct, probably as political as just, he continually interposed his good offices to allay the civil discords of the English, he forwarded all healing measures, which might give security to both parties; and he still endeavoured, though in vain, to soothe by persuasion the fierce ambition of the Earl of Leicester, and to convince him how much it was his duty to submit peaceably to the authority of his sovereign.

That bold and artful conspirator was (A.D. 1263) nowise discouraged by the bad success of his past enterprises. The death of Richard, Earl of Gloucester, who was his chief rival in power, and who before his decease had joined the royal party, seemed to open a new field to his violence and to expose the throne to fresh insults and injuries. It was in vain that the king professed his intentions of observing strictly the Great Charter, even of maintaining all the regulations made by the reforming barons at Oxford or afterwards, except those which entirely annihilated the royal authority. These powerful chieftains, now obnoxious to the court, could not peaceably resign the hopes of entire independence and uncontrolled power with which they had flattered themselves, and which they had so long enjoyed. Many of them engaged in Leicester's views, and among the rest, Gilbert, the young Earl of Gloucester, who brought him a mighty accession of power from the extensive authority possessed by that opulent family. Even

Henry, son of the King of the Romans, commonly called Henry d'Allmaine, though a prince of the blood, joined the party of the barons against the king, the head of his own family. Leicester himself, who still resided in France, secretly formed the links of this great conspiracy, and planned the whole scheme of operations.

The princes of Wales, notwithstanding the great power of the monarchs, both of the Saxon and Norman line, still preserved authority in their own country. Though they had often been constrained to pay tribute to the crown of England, they were with difficulty retained in subordination, or even in peace, and almost through every reign since the conquest, they had infested the English frontiers with such petty incursions and sudden inroads as seldom merit to have place in a general history. The English, still content with repelling their invasions and chasing them back into their mountains, had never pursued the advantages obtained over them, nor been able, even under their greatest and most active princes, to fix a total or so much as a feudal subjection on the country. This advantage was reserved to the present king, the weakest and most indolent. In the year 1237, Lewellyn, Prince of Wales, declining in years and broken with infirmities, but still more harassed with the rebellion and undutiful behaviour of his younger son, Griffin, had recourse to the protection of Henry; and consenting to subject his principality, which had so long maintained or soon recovered its independence, to vassalage under the crown of England, had purchased security and tranquillity on these dishonourable terms. His eldest son and heir, David, renewed the homage to England; and having taken his brother prisoner, delivered him into Henry's hands, who committed him to custody in the Tower. That prince, endeavouring to make his escape, lost his life in the attempt, and the Prince of Wales, freed from the apprehensions of so dangerous a rival, paid thenceforth less regard to the English monarch, and even renewed those incursions by which the Welsh, during so many ages, had been accustomed to infest the English borders. Lewellyn, however, the son of Griffin, who succeeded to his uncle, had been obliged to renew the homage which was now claimed by England as an established right; but he was well pleased to inflame those civil discords on which he rested his present security and founded his hopes of future independence. He entered into a confederacy with the Earl of Leicester, and collecting all the force of his principality, invaded England with an army of 30,000 men. He ravaged the lands of Roger de Mortimer, and of all the barons who adhered to the crown (Chron. Dunst., vol. 1., p. 354); he marched into Cheshire and committed like depredations on Prince Edward's territories; every place where his disorderly troops appeared, was laid waste with fire and sword; and though Mortimer, a gallant and expert soldier, made stout resistance, it was found necessary that the prince himself should head the army against this invader. Edward repulsed Prince Lewellyn, and obliged him to take shelter in the mountains of North Wales; but he was prevented from making further progress against the enemy by the disorders which soon after broke out in England.

The Welsh invasion was the appointed signal for the malcontent barons to rise in arms; and Leicester, coming over secretly from

France, collected all the forces of his party and commenced an open rebellion. He seized the person of the Bishop of Hereford, a prelate obnoxious to all the inferior clergy on account of his devoted attachment to the court of Rome (Trivet, p. 211, M. West., p. 382, 392). Simon, Bishop of Norwich, and John Mansel, because they had published the Pope's bull absolving the king and kingdom from their oaths to observe the provisions of Oxford, were made prisoners and exposed to the rage of the party. The king's demesnes were ravaged with unbounded fury (Trivet, p. 211, M. West., p. 382), and as it was Leicester's interest to allure to his side, by the hopes of plunder, all the disorderly ruffians in England, he gave them a general licence to pillage the barons of the opposite party and even all neutral persons. But one of the principal resources of his faction was the populace of the cities, particularly of London; and as he had by his hypocritical pretensions to sanctity and his zeal against Rome, engaged the monks and lower ecclesiastics in his party, his dominion over the inferior ranks of men became uncontrollable. Thomas Fitz Richard, Mayor of London, a furious and licentious man, gave the countenance of authority to these disorders in the capital, and having declared war against the substantial citizens, he loosened all the bands of government by which that turbulent city was commonly but ill-restrained. On the approach of Easter, the zeal of superstition, the appetite for plunder, or what is often as prevalent with the populace as either of these motives, the pleasure of committing havoc and destruction, prompted them to attack the unhappy Jews, who were first pillaged without resistance, then massacred to the number of 500 persons (Chron. T. Wykes, p. 59). The Lombard bankers were next exposed to the rage of the people, and though by taking sanctuary in the churches they escaped with their lives, all their money and goods became a prey to the licentious multitude. Even the houses of the rich citizens, though English, were attacked by night, and way was made by sword and by fire to the pillage of their goods, and often to the destruction of their persons. The queen, who though defended by the Tower was terrified by the neighbourhood of such dangerous commotions, resolved to go by water to the castle of Windsor; but as she approached the bridge, the populace assembled against her; the cry ran, 'Drown the witch,' and besides abusing her with the most opprobrious language, and pelting her with rotten eggs and dirt, they had prepared large stones to sink her barge when she should attempt to shoot the bridge, and she was so frightened that she returned to the Tower (Chron. T. Wykes, p. 57).

The violence and fury of Leicester's faction had risen to such a height in all parts of England that the king, unable to resist their power, was obliged to set on foot a treaty of peace, and (July 18) to make an accommodation with the barons on the most disadvantageous terms (Chron. Dunst., vol. 1, p. 358, Trivet, p. 211). He agreed to confirm anew the provisions of Oxford, even those which entirely annihilated the royal authority, and the barons were again re-instated in the sovereignty of the kingdom. They restored Hugh le Despenser to the office of chief justiciary; they appointed their own creatures sheriffs in every county of England; they took possession of all the royal castles and fortresses; they even named all the officers of the king's

household, and they summoned (Oct. 14) a parliament to meet at Westminster, in order to settle more fully their plan of government. They here produced a new list of twenty-four barons, to whom they proposed that the administration should be entirely committed; and they insisted that the authority of this *junto* should continue not only during the reign of the king, but also during that of Prince Edward.

This prince, the life and soul of the royal party, had unhappily, before the king's accommodation with the barons, been taken prisoner by Leicester in a parley at Windsor (M. Paris, p. 669, Trivet, p. 213); and that misfortune, more than any other incident, had determined Henry to submit to the ignominious conditions imposed upon him. But Edward having recovered his liberty by the treaty, employed his activity in defending the prerogatives of his family, and he gained a great party even among those who had at first adhered to the cause of the barons. His cousin, Henry d'Allmaine, Roger Bigod, Earl Mareschal, Earl Warrenne, Humphrey Bohun, Earl of Hereford, John, Lord Basset, Ralph Basset, Hamond l'Estrange, Roger Mortimer, Henry de Percy, Robert de Brus, Roger de Leybourne, with almost all the lords marchers, as they were called, on the borders of Wales and of Scotland, the most warlike parts of the kingdom, declared in favour of the royal cause, and hostilities, which were scarcely well composed, were again renewed in every part of England. But the near balance of the parties, joined to the universal clamour of the people, obliged the king and barons to open anew the negotiations for peace; and it was agreed by both sides to submit their differences to the arbitration of the King of France.<sup>1</sup>

This virtuous prince, the only man who in like circumstances could safely have been entrusted with such an authority by a neighbouring nation, had never ceased to interpose his good offices between the English factions; and had even, during the short interval of peace, invited over to Paris both the king and the Earl of Leicester, in order to accommodate the differences between them; but found that the fears and animosities on both sides, as well as the ambition of Leicester, were so violent as to render all his endeavours ineffectual. But when this solemn appeal, ratified by the oaths and subscriptions of the leaders in both factions, was made to his judgment, he was not discouraged from pursuing his honourable purpose. He summoned the states of France at Amiens, and there in the presence of that assembly, as well as in that of the King of England and Peter de Montfort, Leicester's son, he brought this great cause to a trial and examination. It appeared to him that the provisions of Oxford, even had they not been extorted by force, had they not been so exorbitant in their nature, and subversive of the ancient constitution, were expressly established as a temporary expedient, and could not without breach of trust be rendered perpetual by the barons. He therefore (A. D. Jan. 23, 1264) annulled these provisions; restored to the king the possession of his castles and the power of nomination to the great offices; allowed him to retain what foreigners he pleased in his kingdom, and even to confer on them places of trust and dignity; and, in a word, re-established the

<sup>1</sup> M. Paris, p. 668; Chron. T. Wykes, p. 58, W. Heming, p. 580; Chron. Dunst., vol. 1., p. 363

royal power in the same condition on which it stood before the meeting of the parliament at Oxford. But while he thus suppressed dangerous innovations and preserved unimpaired the prerogatives of the English crown, he was not negligent of the rights of the people; and besides ordering that a general amnesty should be granted for all past offences, he declared that his award was not anywise meant to derogate from the privileges and liberties which the nation enjoyed by any former concessions or charters of the crown.<sup>1</sup>

This equitable sentence was no sooner known in England, than Leicester and his confederates determined to reject it, and to have recourse to arms in order to procure to themselves more safe and advantageous conditions (*Chron. Dunst*, vol. 1, p. 363). Without regard to his oaths and subscriptions, that enterprising conspirator directed his two sons, Richard and Peter de Montfort, in conjunction with Robert de Ferrars, Earl of Derby, to attack the city of Worcester; while Henry and Simon de Montfort, two other of his sons, assisted by the Prince of Wales, were ordered to lay waste the estate of Roger de Mortimer. He himself resided at London, and employing as his instrument Fitz-Richard, the seditious mayor, who had violently and illegally prolonged his authority, he wrought up that city to the highest ferment and agitation. The populace formed themselves into bands and companies, chose leaders; practised all military exercises; committed violence on the royalists; and, to give them greater countenance in their disorders, an association was entered into between the city and eighteen great barons, never to make peace with the king but by common consent and approbation. At the head of those who swore to maintain this association, were the earls of Leicester, Gloucester, and Derby, with Le Despenser, the chief justiciary, men who had all previously sworn to submit to the award of the French monarch. Their only pretence for this breach of faith was, that the latter part of Lewis's sentence was, as they affirmed, a contradiction to the former. He ratified the charter of liberties, yet annulled the provisions of Oxford; which were only calculated, as they maintained, to preserve that charter; and without which, in their estimation, they had no security for its observance.

The king and prince, finding a civil war inevitable, prepared themselves for defence; and summoning the military vassals from all quarters, and being reinforced by Baliol, Lord of Galloway, Brus, Lord of Annandale, Henry Percy, John Comyn,<sup>2</sup> and other barons of the north, they composed an army, formidable, as well from its numbers as its military prowess and experience. The first enterprise of the royalists was the attack of Northampton, which was defended by Simon de Montfort, with many of the principal barons of that party, and a breach being made in the walls by Philip Basset, the place was carried by assault, and both the governor and the garrison were made prisoners. The royalists marched thence to Leicester and Nottingham; both which places having (April 5, 1264) opened their gates to them, Prince Edward proceeded with a detachment into the county of Derby, in order to ravage with fire and sword the lands of the earl of that name,

<sup>1</sup> Rymer, vol. 1, pp. 776, 777, etc., *Chron. T. Wykes*, p. 58, *Knyghton*, p. 2446.

<sup>2</sup> Rymer, vol. 1, 772; *M. West*, p. 385, *Ypod. Neust.*, p. 469.

and take revenge on him for his disloyalty. Like maxims of war prevailed with both parties throughout England, and the kingdom was thus exposed in a moment to greater devastation from the animosities of the rival barons, than it would have suffered from many years of foreign or even domestic hostilities, conducted by more humane and more generous principles.

The Earl of Leicester, master of London, and of the counties in the south-east of England, formed the siege of Rochester; which alone declared for the king in those parts, and which, besides Earl Warrenne, the governor, was garrisoned by many noble and powerful barons of the royal party. The king and prince hastened from Nottingham, where they were then quartered, to the relief of the place; and on their approach, Leicester raised the siege, and retreated to London, which, being the centre of his power, he was afraid might, in his absence, fall into the king's hands, either by force, or by a correspondence with the principal citizens, who were all secretly inclined to the royal cause. Reinforced by a great body of Londoners, and having summoned his partisans from all quarters, he thought himself strong enough to hazard a general battle with the royalists, and to determine the fate of the nation in one great engagement; which, if it proved successful, must be decisive against the king, who had no retreat for his broken troops in those parts, while Leicester himself, in case of any sinister accident, could easily take shelter in the city. To give the better colouring to his cause, he previously sent a message with conditions of peace to Henry, submissive in the language, but exorbitant in the demands (*M. Paris*, p. 669; *W. Heming*, p. 583); and when the messenger returned with the lie and defiance from the king, the prince, and the King of the Romans, he sent a new message, renouncing, in the name of himself and of the associated barons, all fealty and allegiance to Henry. He then marched out of the city with his army, divided into four bodies. The first commanded by his two sons, Henry and Guy de Montfort, together with Humphrey de Bohun, Earl of Hereford, who had deserted to the barons; the second led by the Earl of Gloucester, with William de Montchesney and John Fitz-John; the third, composed of Londoners, under the command of Nicholas de Segrave, the fourth, headed by himself in person. The Bishop of Chichester gave a general absolution to the army, accompanied with assurances, that, if any of them fell in the ensuing action, they would infallibly be received into heaven, as the reward of their suffering in so meritorious a cause.

Leicester, who possessed great talents for war, conducted his march with such skill and secrecy, that he had well nigh surprised the royalists in their quarters at Lewes in Sussex; but the vigilance and activity of Prince Edward soon repaired this negligence, and (May 14) he led out the king's army to the field in three bodies. He himself conducted the van, attended by Earl Warrenne and William de Valence. The main body was commanded by the King of the Romans and his son Henry. The king himself was placed in the rear at the head of his principal nobility. Prince Edward rushed upon the Londoners, who had demanded the post of honour in leading the rebel army, but who, from their ignorance of discipline and want of experience, were ill fitted to resist the gentry and military men, of whom the

prince's body was composed. They were broken in an instant; were chased off the field; and Edward, transported by his martial ardour, and eager to revenge the insolence of the Londoners against his mother, put them to the sword for the length of four miles, without giving them any quarter, and without reflecting on the fate which in the meantime attended the rest of the army. The Earl of Leicester, seeing the royalists thrown into confusion by their eagerness in the pursuit, led on his remaining troops against the bodies commanded by the two royal brothers. He defeated with great slaughter the forces headed by the King of the Romans; and that prince was obliged to yield himself prisoner to the Earl of Gloucester. He penetrated to the body, where the king himself was placed, threw it into disorder, pursued his advantage, chased it into the town of Lewes, and obliged Henry to surrender himself prisoner (M. Paris, p. 670, M. West, p. 387). Prince Edward, returning to the field of battle from his precipitate pursuit of the Londoners, was astonished to find it covered with the dead bodies of his friends, and still more to hear, that his father and uncle were defeated and taken prisoners, and that Arundel, Comyn, Brus, Hamon l'Estrange, Roger Leybourne, and many considerable barons of his party, were in the hands of the victorious enemy. Earl Warrenne, Hugh Bigod, and William de Valence, struck with despair at this event, immediately took to flight, hurried to Pevensey, and made their escape beyond sea (Chron. T. Wykes, p. 63). But the prince, intrepid amidst the greatest disasters, exhorted his troops to revenge the death of their friends, to relieve the royal captives, and to snatch a easy conquest from an enemy, disordered by their own victory (W. Heming, p. 584). He found his followers intimidated by their situation; while Leicester, afraid of a sudden and violent blow from the prince, amused him by a feigned negotiation, till he was able to recall his troops from the pursuit, and bring them into order (W. Heming, p. 584). There now appeared no further resource to the royal party, surrounded by the armies and garrisons of the enemy, destitute of forage and provisions, and deprived of their sovereign, as well as of their principal leaders, who could alone inspire them to an obstinate resistance. The prince, therefore, was obliged to submit to Leicester's terms, which were short and severe, agreeably to the suddenness and necessity of the situation. He stipulated that he and Henry d'Almaine should surrender themselves prisoners as pledges in lieu of the two kings; that all other prisoners on both sides should be released (M. Paris, p. 671; Knyghton, p. 2451); and that, in order to settle fully the terms of agreement, application should be made to the King of France, that he should name six Frenchmen, three prelates, and three noblemen. These six to choose two others of their own country; and these two to choose one Englishman, who, in conjunction with themselves, were to be invested by both parties with full powers to make what regulations they thought proper for the settlement of the kingdom. The prince and young Henry accordingly delivered themselves into Leicester's hands, who sent them under a guard to Dover Castle. Such are the terms of agreement, commonly called the 'Mise of Lewes,' from an obsolete

<sup>1</sup> M. Paris, p. 670, Chron. T. Wykes, p. 62; W. Heming, p. 583; M. West, p. 387. Ypod. Neust., 469, H. Knyghton, p. 2450.



French term of that meaning. For it appears, that all the gentry and nobility of England, who valued themselves on their Norman extraction, and who disdained the language of their native country, made familiar use of the French tongue, till this period, and for some time after.

Leicester had no sooner obtained this great advantage, and gotten the whole royal family in his power, than he openly violated every article of the treaty, and acted as sole master and even tyrant of the kingdom. He still detained the king in effect a prisoner, and made use of that prince's authority to purposes the most prejudicial to his interests and the most oppressive of his people (Rymer, vol. i., pp. 790, 791, etc.). He everywhere disarmed the royalists, and kept all his own partisans in a military posture,<sup>1</sup> he observed the same partial conduct in the deliverance of the captives, and even threw many of the royalists into prison, besides those who were taken in the battle of Lewes; he carried the king from place to place, and obliged all the royal castles, on pretence of Henry's commands, to receive a governor and garrison of his own appointment. All the officers of the crown and of the household were named by him, and the whole authority, as well as arms of the state, was lodged in his hands; he instituted in the counties a new kind of magistracy, endowed with new and arbitrary powers, that of conservators of the peace (Rymer, vol. i., p. 792); his avarice appeared barefaced, and might induce us to question the greatness of his ambition, at least the largeness of his mind, if we had not reason to think that he intended to employ his acquisitions as the instruments for attaining farther power and grandeur. He seized the estates of no less than eighteen barons as his share of the spoil gained in the battle of Lewes; he engrossed to himself the ransom of all the prisoners; and told his barons, with a wanton insolence, that it was sufficient for them that he had saved them by that victory from the forfeitures and attainders which hung over them (Knyghton, p. 2451), he even treated the Earl of Gloucester in the same injurious manner, and applied to his own use the ransom of the King of the Romans, who in the field of battle had yielded himself prisoner to that nobleman. Henry, his eldest son, made a monopoly of all the wool in the kingdom, the only valuable commodity for foreign markets which it at that time produced (Chron. T. Wykes, p. 65). The inhabitants of the cinque-ports, during the present dissolution of government, betook themselves to the most licentious piracy, preyed on the ships of all nations, threw the mariners into the sea, and by these practices soon banished all merchants from the English coasts and harbours. Every foreign commodity rose to an exorbitant price, and woollen cloth, which the English had not then the art of dyeing, was worn by them white, and without receiving the last hand of the manufacturer. In answer to the complaints which arose on this occasion, Leicester replied, that the kingdom could well enough subsist within itself, and needed no intercourse with foreigners. And it was found that he even combined with the pirates of the cinque-ports, and received as his share the third of their prizes (Ibid.).

No farther mention was made of the reference to the King of France, so essential an article in the agreement of Lewes; and Leicester sum-

<sup>1</sup> Ibid., p. 795. Brady's Appeals, Nos. 211, 212, Chron. T. Wykes, p. 63

moned a parliament, composed altogether of his own partisans, in order to invest, by their authority, that power which he had acquired by so much violence, and which he used with so much tyranny and injustice. An ordinance was there passed, to which the king's consent had been previously extorted, that every act of royal power should be exercised by a council of nine persons, who were to be chosen and removed by the majority of three, Leicester himself, the Earl of Gloucester, and the Bishop of Chichester (Rymer, vol. 1., p. 793; Brady's App., No. 213). By this intricate plan of government the sceptre was really put into Leicester's hands, as he had the entire direction of the Bishop of Chichester, and thereby commanded all the resolutions of the council of three, who could appoint or discard at pleasure every member of the supreme council.

But it was impossible that things could long remain in this strange situation. It behoved Leicester either to descend with some peril into the rank of a subject, or to mount up with no less into that of a sovereign; and his ambition, unrestrained either by fear or by principle, gave too much reason to suspect him of the latter intention. Meanwhile, he was exposed to anxiety from every quarter, and felt that the smallest incident was capable of overturning that immense and ill-cemented fabric which he had reared. The queen, whom her husband had left abroad, had collected in foreign parts an army of desperate adventurers, and had assembled a great number of ships, with a view of invading the kingdom, and of bringing relief to her unfortunate family. Lewis, detesting Leicester's usurpations and perjuries, and disgusted at the English barons, who had refused to submit to his award, secretly favoured all her enterprises, and was generally believed to be making preparations for the same purpose. An English army, by the pretended authority of the captive king, was assembled on the sea-coast to oppose this projected invasion,<sup>1</sup> but Leicester owed his safety more to cross winds, which long detained and at last dispersed and ruined the queen's fleet, than to any resistance, which, in their present situation, could have been expected from the English.

Leicester found himself better able to resist the spiritual thunders which were levelled against him. The pope, still adhering to the king's cause against the barons, dispatched Cardinal Guido as his legate into England, with orders to excommunicate by name the three eais, Leicester, Gloucester, and Norfolk, and all others in general who concurred in the oppression and captivity of their sovereign (Rymer, vol. 1., p. 798; Chron. Dunst., vol. 1., p. 373). Leicester menaced the legate with death if he set foot within the kingdom, but Guido, meeting in France the bishops of Winchester, London, and Worcester, who had been sent thither on a negotiation, commanded them, under the penalty of ecclesiastical censures, to carry his bull into England, and to publish it against the barons. When the prelates arrived off the coast, they were boarded by the piratical mariners of the cinque-ports, to whom probably they gave a hint of the cargo which they brought along with them; the bull was torn and thrown into the sea, which furnished the artful prelates with a plausible excuse for not obeying the orders of the legate. Leicester appealed from Guido to

<sup>1</sup> Brady's App., Nos. 216, 217, Chron. Dunst., vol. 1., p. 373, M. West, p. 385.

the pope in person; but before the ambassadors appointed to defend his cause could reach Rome, the pope was dead; and they found the legate himself, from whom they had appealed, seated on the papal throne by the name of Urban IV. That daring leader was nowise dismayed with this incident, and as he found that a great part of his popularity in England was founded on his opposition to the court of Rome, which was now become odious, he persisted with the more obstinacy in the prosecution of his measures.

That he might both increase and turn to advantage his popularity, Leicester summoned (A.D. 20th Jan, 1265) a new parliament in London, where he knew his power was uncontrollable, and he fixed this assembly on a more democratical basis than any which had ever been summoned since the foundation of the monarchy. Besides the barons of his own party, and several ecclesiastics, who were not immediate tenants of the crown, he ordered returns to be made of two knights from each shire, and, what is more remarkable, of deputies from the boroughs, an order of men which, in former ages, had always been regarded as too mean to enjoy a place in the national council (Rymer, vol. 1, p. 802). This period is commonly esteemed the epoch of the House of Commons in England; and it is certainly the first time that historians speak of any representatives sent to parliament by the boroughs. In all the general accounts given in preceding times of those assemblies, the prelates and barons only are mentioned as the constituent members, and even in the most particular narratives delivered of parliamentary transactions, as in the trial of Thomas à Becket, where the events of each day, and almost of each hour, are carefully recorded by contemporary authors (Fitz-Steph. Hist. Quad. Hoveden, etc.), there is not throughout the whole the least appearance of a House of Commons. But though that house derived its existence from so precarious, and even so invidious, an origin as Leicester's usurpation, it soon proved, when summoned by the legal princes, one of the most useful, and, in process of time, one of the most powerful members of the national constitution, and gradually rescued the kingdom from aristocratical as well as from regal tyranny. But Leicester's policy, if we must ascribe to him so great a blessing, only forwarded by some years an institution for which the general state of things had already prepared the nation; and it is otherwise inconceivable, that a plant, set by so inauspicious a hand, could have attained to so vigorous a growth, and have flourished in the midst of such tempests and convulsions. The feudal system, with which the liberty, much more the power, of the commons was totally incompatible, began gradually to decline; and the king and the commonalty, who felt its inconveniences, contributed to favour this new power, which was more submissive than the barons to the regular authority of the crown, and at the same time afforded protection to the inferior orders of the state.

Leicester, having thus assembled a parliament of his own model, and trusting to the attachment of the populace of London, seized the opportunity of crushing his rivals among the powerful barons. Robert de Ferrars, Earl of Derby, was accused in the king's name, seized, and committed to custody, without being brought to any legal trial (Chron. T. Wykes, p. 66; Ann. Waverl., p. 216). John Gifford, menaced with

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the same fate, fled from London, and took shelter in the borders of Wales. Even the Earl of Gloucester, whose power and influence had so much contributed to the success of the barons, but who of late was extremely disgusted with Leicester's arbitrary conduct, found himself in danger from the prevailing authority of his ancient confederates; and he retired from parliament (M. Paris, p. 671; Ann. Waverl., p. 216). This known dissension gave courage to all Leicester's enemies and to the king's friends, who were now sure of protection from so potent a leader. Though Roger Mortimer, Hamon L'Estrange, and other powerful marchers of Wales, had been obliged to leave the kingdom, their authority still remained over the territories subjected to their jurisdiction; and there were many others who were disposed to give disturbance to the new government. The animosities, inseparable from the feudal aristocracy, broke out with fresh violence, and threatened the kingdom with new convulsions and disorders.

The Earl of Leicester, surrounded with these difficulties, embraced a measure from which he hoped to reap some present advantages, but which proved in the end the source of all his future calamities. The active and intrepid Prince Edward had languished in prison ever since the fatal battle of Lewes; and as he was extremely popular in the kingdom, there arose a general desire of seeing him again restored to liberty (Knyghton, p. 2451). Leicester, finding that he could with difficulty oppose the concurring wishes of the nation, stipulated with the prince, that, in return, he should order his adherents to deliver up to the barons all their castles, particularly those on the borders of Wales, and should swear neither to depart the kingdom during three years, nor introduce into it any foreign forces (Ann. Waverl., p. 216). The king took an oath to the same effect, and he also passed a charter, in which he confirmed the agreement or Mise of Lewes, and even permitted his subjects to rise in arms against him if he should ever attempt to infringe it (Blackston's Mag. Charta, Chron. Dunst., vol. 1., p. 378). So little care did Leicester take, though he constantly made use of the authority of this captive prince, to preserve to him any appearance of royalty or kingly prerogatives.<sup>1</sup>

In consequence of this treaty, Prince Edward was brought into Westminster Hall, and (March 11) was declared free by the barons; but instead of really recovering his liberty, as he had vainly expected, he found that the whole transaction was a fraud on the part of Leicester; that he himself still continued a prisoner at large, and was guarded by the emissaries of that nobleman, and that while the faction reaped all the benefit from the performance of his part of the treaty, care was taken that he should enjoy no advantage by it. As Gloucester, on his rupture with the barons, had retired for safety to his estates on the borders of Wales, Leicester followed him with an army to Hereford,<sup>1</sup> continued still to menace and negotiate, and that he might add authority to his cause, he carried both the king and prince along with him. The Earl of Gloucester here concerted with young Edward the manner of that prince's escape. He found means to convey to him a horse of extraordinary swiftness, and appointed Roger Mortimer, who

<sup>1</sup> Chron. T. Wyles, p. 67, Ann. Waverl., p. 228, W. Heming, p. 585 Chron. Dunst., vol. 1., pp. 383, 384.

had returned into the kingdom, to be ready at hand with a small party to receive the prince, and to guard him to a place of safety. Edward pretended (May 28) to take the air with some of Leicester's retinue, who were his guards, and making matches between their horses, after he thought he had tired and blown them sufficiently, he suddenly mounted Gloucester's horse and called to his attendants that he had long enough enjoyed the pleasure of their company, and now bade them adieu. They followed him for some time without being able to overtake him, and the appearance of Roger Mortimer with his company put an end to their pursuit.

The royalists, secretly prepared for this event, immediately flew to arms; and the joy of this gallant prince's deliverance, the oppressions under which the nation laboured, the expectation of a new scene of affairs, and the countenance of the Earl of Gloucester, procured Edward an army which Leicester was utterly unable to withstand. This nobleman found himself in a remote quarter of the kingdom, surrounded by his enemies, and barred from all communication with his friends by the Severn, whose bridges Edward had broken down, and obliged to fight the cause of his party under these multiplied disadvantages. In this extremity he wrote to his son, Simon de Montfort, to hasten from London with an army for his relief; and Simon had advanced to Kenilworth with that view, where, fancying that all Edward's force and attention were directed against his father, he lay secure and unguarded. But the prince, making a sudden and forced march, surprised him in his camp, dispersed his army, and took the Earl of Oxford and many other noblemen prisoners, almost without resistance. Leicester, ignorant of his son's fate, passed the Severn in boats during Edward's absence, and lay at Evesham in expectation of being every hour joined by his friends from London, when the prince, who availed himself of every favourable moment, appeared in the field before him. Edward made a body of his troops advance from the road which led to Kenilworth, and ordered them to carry the banners taken from Simon's army; while he himself, making a circuit with the rest of his forces, purposed to attack the enemy on the other quarter. Leicester was long deceived by this stratagem, and took one division of Edward's army for his friends; but at last perceiving his mistake and observing the great superiority and excellent disposition of the royalists, he exclaimed that they had learned from him the art of war, adding, 'The Lord have mercy on our souls, for I see our bodies are the prince's!' The battle immediately (Aug. 4) began, though on very unequal terms. Leicester's army, by living on the mountains of Wales without bread, which was not then much used among the inhabitants, had been extremely weakened by sickness and desertion, and was soon broken by the victorious royalists; while his Welsh allies, accustomed only to a desultory kind of war, immediately took to flight, and were pursued with great slaughter. Leicester himself, asking for quarter, was slain in the heat of the action, with his eldest son, Henry, Hugh le Despenser, and about a hundred and sixty knights, and many other gentlemen of his party. The old king had been purposely placed by the rebels in the front of the battle, and being clad in armour, and thereby not known by his friends, he received a wound and was in danger of his life; but

crying out, 'I am Henry of Winchester, your king,' he was saved, and put in a place of safety by his son, who flew to his rescue.

The violence, ingratitude, tyranny, rapacity, and treachery of the Earl of Leicester gave a very bad idea of his moral character, and make us regard his death as the most fortunate event which in this conjuncture could have happened to the English nation; yet must we allow the man to have possessed great abilities and the appearance of great virtues, who, though a stranger, could at a time when strangers were the most odious and the most universally decried, have acquired so extensive an interest in the kingdom, and have so nearly paved his way to the throne itself. His military capacity and his political craft were equally eminent; he possessed the talents both of governing men and conducting business; and though his ambition was boundless, it seems neither to have exceeded his courage nor his genius; and he had the happiness of making the low populace, as well as the haughty barons, co-operate towards the success of his selfish and dangerous purposes. A prince of greater abilities and vigour than Henry might have directed the talents of this nobleman either to the exaltation of his throne or to the good of his people; but the advantages given to Leicester, by the weak and variable administration of the king, brought on the ruin of royal authority, and produced great confusions in the kingdom, which however, in the end, preserved and extremely improved national liberty and the constitution. His popularity, even after his death, continued so great that though he was excommunicated by Rome, the people believed him to be a saint, and many miracles were said to be wrought upon his tomb (Chron. de Mailr, p. 232).

The victory of Evesham, with the death of Leicester, proved decisive in favour of the royalists, and made an equal though an opposite impression on friends and enemies in every part of England. The King of the Romans recovered his liberty; the other prisoners of the royal party were not only freed but counted by their keepers, Fitz-Richard, the seditious Mayor of London, who had marked out forty of the most wealthy citizens for slaughter, immediately stopped his hand on receiving intelligence of this great event; and almost all the castles garrisoned by the barons hastened to make their submissions and to open their gates to the king. The Isle of Axholme alone, and that of Ely, trusting to the strength of their situation, ventured to make resistance, but were (A.D. 1266) at last reduced, as well as the castle of Dover, by the valour and activity of Prince Edward (M. Paris, p. 676; W. Heming, p. 588). Adam de Gouidon, a courageous baron, maintained himself during some time in the forests of Hampshire, committed depredations in the neighbourhood, and obliged the prince to lead a body of troops into that county against him. Edward attacked the camp of the rebels, and being transported by the ardour of battle, leaped over the trench with a few followers, and encountered Gouidon in single combat. The victory was long disputed between these valiant combatants; but ended at last in the prince's favour, who wounded his antagonist, threw him from his horse, and took him prisoner. He not only gave him his life, but introduced him that very night to the queen at Guilford, procured him his pardon, restored him to his estate, received him into favour, and was ever after faithfully served by him (M. Paris, p. 675).

A total victory of the sovereign over so extensive a rebellion commonly produces a revolution of government, and strengthens, as well as enlarges, for some time, the prerogatives of the crown: yet no sacrifices of national liberty were made on this occasion; the Great Charter remained still inviolate; and the king, sensible that his own barons, by whose assistance alone he had prevailed, were no less jealous of their independence than the other party, seems thenceforth to have more carefully abstained from all those exertions of power which had afforded so plausible a pretence to the rebels. The clemency of this victory is also remarkable; no blood was shed on the scaffold; no attainders, except of the Montfort family, were carried into execution; and though a parliament, assembled at Winchester, attainted all those who had borne arms against the king, easy compositions were made with them for their lands (*M Paris*, p 675); and the highest sum, levied on the most obnoxious offenders, exceeded not five years' rent of their estate. Even the Earl of Derby, who again rebelled, after having been pardoned and restored to his fortune, was obliged to pay only seven years' rent, and was a second time restored. The mild disposition of the king, and the prudence of the prince, tempered the insolence of victory, and restored order to the several members of the state, disjunct by so long a continuance of civil wars and commotions.

The city of London, which had carried farthest the rage and animosity against the king, and which seemed determined to stand upon its defence after almost all the kingdom had submitted, was, after some interval, restored to most of its liberties and privileges; and Fitz-Richard, the mayor, who had been guilty of so much illegal violence, was only punished by fine and imprisonment. The Countess of Leicester, the king's sister, who had been extremely forward in all attacks on the royal family, was dismissed the kingdom with her two sons, Simon and Guy, who proved very ungrateful for this lenity. Five years afterwards they assassinated, at Viterbo, in Italy, their cousin Henry d'Allmaine, who at that very time was endeavouring to make their peace with the king, and by taking sanctuary in the church of the Franciscans, they escaped the punishment due to so great an enormity<sup>1</sup>.

The merits of the Earl of Gloucester, after he returned to his allegiance, had been so great in restoring the prince to his liberty, and assisting him in his victories against the rebellious barons, that it was almost impossible to content him in his demands, and his youth and temerity, as well as his great power, tempted him, on some new disgust, to raise again the flames of rebellion in the kingdom. The mutinous populace of London, at his instigation, took to arms; and the prince was obliged to levy an army of 30,000 men, in order to suppress them. Even this second rebellion did not provoke the king to any act of cruelty; and the Earl of Gloucester himself escaped with total impunity. He was only obliged to enter into a bond of 20,000 marks, that he should never again be guilty of rebellion; a strange method of enforcing the laws, and a proof of the dangerous independence of the barons in those ages! These potent nobles were, from the danger of the precedent, averse to the execution of the laws of forfeiture and

<sup>1</sup> Rymer, vol i, p. 879, vol ii, pp. 4, 5, Chron. T. Wyles, p 94. W. Heming, p 589 Trivet, p 240

felony against any of their fellows; though they could not, with a good grace, refuse to concur in obliging them to fulfil any voluntary contract and engagement into which they had entered.

The prince, finding the state of the kingdom tolerably composed, was seduced by his avidity for glory, and by the prejudices of the age, as well as by the earnest solicitations of the King of France, to undertake an expedition against the infidels in the Holy Land (M. Paris, p. 677); and he (A.D. 1270) endeavoured previously to settle the state in such a manner, as to dread no bad effects from his absence. As the formidable power and turbulent disposition of the Earl of Gloucester gave him apprehensions, he insisted on carrying him along with him, in consequence of a vow which that nobleman had made to undertake the same voyage; in the mean time, he obliged him to resign some of his castles, and to enter into a new bond not to disturb the peace of the kingdom (Chron. T. Wykes, p. 90). He sailed from England with an army; and arrived in Lewis's camp before Tunis in Africa, where he found that monarch already dead, from the intemperance of the climate and the fatigues of his enterprise. The great, if not only weakness of this prince in his government, was the imprudent passion for crusades; but it was his zeal chiefly that procured him from the clergy the title of St. Lewis, by which he is known in the French history, and if that appellation had not been so extremely prostituted, as to become rather a term of reproach, he seems, by his uniform probity, as well as his piety, to have fully merited the title. He was succeeded by his son, Philip, denominated the Hardy; a prince of some merit, though much inferior to that of his father.

Prince Edward, not discouraged by this event, continued (A.D. 1271) his voyage to the Holy Land, where he signalized himself by acts of valour; revived the glory of the English name in those parts; and struck such terror into the Saracens, that they employed an assassin to murder him, who wounded him in the arm, but perished in the attempt (M. Paris, pp. 678, 679, W. Heming, p. 520). Meanwhile, his absence from England was attended with many of those pernicious consequences which had been dreaded from it. The laws were not executed; the barons oppressed the common people with impunity (Chron. Dunst., vol. i., p. 404); they gave shelter on their estates to bands of robbers, whom they employed in committing ravages on the estates of their enemies; the populace of London returned to their usual licentiousness; and the old king, unequal to the burden of public affairs, called aloud for his gallant son to return (Rymer, vol. i., p. 869; M. Paris, p. 678.), and to assist him in swaying that sceptre, which was ready to drop from his feeble and irresolute hands. At last, overcome by the cares of government, and the infirmities of age, he visibly declined, and he expired (16. Nov. 1272) at St. Edmondsbury in the 64th year of his age, and 56th of his reign; the longest reign that is to be met with in the English annals. His brother, the King of the Romans (for he never attained the title of emperor), died about seven months before him.

The most obvious circumstance of Henry's character is his incapacity for government, which rendered him as much a prisoner in the hands of his own ministers and favourites, and as little at his own disposal,



as when detained a captive in the hands of his enemies. From this source, rather than from insincerity or treachery, arose his negligence in observing his promises; and he was too easily induced, for the sake of present convenience, to sacrifice the lasting advantages arising from the trust and confidence of his people. Hence, too, were derived his profusion to favourites, his attachment to strangers, the variableness of his conduct, his hasty resentments, and his sudden forgiveness and return of affection. Instead of reducing the dangerous power of his nobles, by obliging them to observe the laws towards their inferiors, and setting them the salutary example in his own government, he was seduced to imitate their conduct, and to make his arbitrary will, or rather that of his ministers, the rule of his actions. Instead of accommodating himself, by a strict frugality, to the embarrassed situation in which his revenue had been left, by the military expeditions of his uncle, the dissipations of his father, and the usurpations of the barons, he was tempted to levy money by irregular exactions, which, without enriching himself, impoverished, at least disgusted, his people. Of all men, nature seemed least to have fitted him for being a tyrant; yet are there instances of oppression in his reign, which, though derived from the precedents left him by his predecessors, had been carefully guarded against by the Great Charter, and are inconsistent with all rules of good government. And on the whole we may say, that greater abilities, with his good dispositions, would have prevented him from falling into his faults; or with worse dispositions, would have enabled him to maintain and defend them.

This prince was noted for his piety and devotion, and his regular attendance on public worship; and a saying of his on that head is much celebrated by ancient writers. He was engaged in a dispute with Lewis IX. of France, concerning the preference between sermons and masses; he maintained the superiority of the latter, and affirmed, that he would rather have one hour's conversation with a friend, than hear twenty of the most elaborate discourses pronounced in his praise (Walsing. Edward I., p. 43).

Henry III. left two sons, Edward his successor, and Edmond Earl of Lancaster; and two daughters, Margaret Queen of Scotland, and Beatrix Duchess of Brittany. He had five other children, who died in their infancy.

The following are the most remarkable laws enacted during this reign. There had been great disputes between the civil and ecclesiastical courts concerning bastardy. The common law had deemed all those to be bastards who were born before wedlock; by the canon law, they were legitimate, and when any dispute of inheritance arose, it had formerly been usual for the civil courts to issue writs to the spiritual, directing them to inquire into the legitimacy of the person. The bishop always returned an answer agreeable to the canon law, though contrary to the municipal law of the kingdom. For this reason, the civil courts had changed the terms of their writ; and instead of requiring the spiritual courts to make inquisition concerning the legitimacy of the person, they only proposed the simple question of fact, whether he were born before or after wedlock? The prelates complained of this practice to the parliament assembled at Merton in

the twentieth of this king, and desired that the municipal law might be rendered conformable to the canon; but received from all the nobility the memorable reply, 'Nolumus leges Angliæ mutare,' We will not change the laws of England (Stat. of Merton, chap. ix.).

After the civil wars, the parliament, summoned at Marlebridge, gave their approbation to most of the ordinances which had been established by the reforming barons, and which, though advantageous to the security of the people, had not received the sanction of a legal authority. Among other laws, it was there enacted, that all appeals from the courts of inferior lords should be carried directly to the king's courts, without passing through the courts of the lords immediately superior (Statute of Marlebr chap. xx.). It was ordained, that money should bear no interest during the minority of the debtor (Ibid. chap. xvi.). This law was reasonable, as the estates of minors were always in the hands of their lords, and the debtors could not pay interest where they had no revenue. The charter of King John had granted this indulgence; it was omitted in that of Henry III., for what reason is not known; but it was renewed by the statute of Marlebridge. Most of the other articles of this statute are calculated to restrain the oppressions of sheriffs, and the violence and iniquities committed in distraining cattle and other goods. Cattle and the instruments of husbandry formed at that time the chief riches of the people.

In the 35th year of this king an assize was fixed of bread, the price of which was settled, according to the different prices of corn, from one shilling a quarter to seven shillings and sixpence (Statutes at Large, p. 6), money of that age. These great variations are alone a proof of bad tillage,<sup>1</sup> yet did the prices often rise much higher than any taken notice of by the statute. The chronicle of Dunstable tells us that, in this reign, wheat was once sold for a mark, nay, for a pound, a quarter; that is, three pounds of our present money (So also Knyghton, p. 2444). The same law affords us a proof of the little communication between the parts of the kingdom, from the very different prices which the same commodity bore at the same time. A brewer, says the statute, may sell two gallons of ale for a penny in cities, and three or four gallons for the same price in the country. At present, such commodities, by the great consumption of the people, and the great stocks of the brewers, are cheapest in cities. The Chronicle above-mentioned observes, that wheat one year was sold in many places for eight shillings a quarter, but never rose in Dunstable above a crown.

Though commerce was still very low, it seems rather to have increased since the conquest, at least, if we may judge of the increase of money by the price of coin. The medium between the highest and lowest prices of wheat, assigned by the statute, is four shillings and three pence a quarter, that is, twelve shillings and nine pence of our present money. This is near half of the middling price in our time. Yet the middling price of cattle, so late as the reign of King Richard, we found to be above eight, near ten times lower than the present. Is

<sup>1</sup> We learn from Cicero's orations against Verres, lib. iii., cap. 84, 92, that the price of corn in Sicily was, during the praetorship of Sacerdos, five denarii a modus, during that of Verres, which immediately succeeded, only two sesterces, that is, ten times lower, a presumption, or rather a proof, of the very bad state of tillage in ancient times.

not this the true inference, from comparing these facts, that, in all uncivilized nations, cattle, which propagate of themselves, bear always a lower price than corn, which requires more art and stock to render it plentiful than those nations are possessed of? It is to be remarked that Henry's assize of corn was copied from a preceding assize established by King John; consequently, the prices which we have here compared of corn and cattle may be looked on as contemporary; and they were drawn, not from one particular year, but from an estimation of the middling prices for a series of years. It is true, the prices assigned by the assize of Richard were meant as a standard for the accounts of sheriffs and escheators; and as considerable profits were allowed to these ministers, we may naturally suppose, that the common value of cattle was somewhat higher: yet still, so great a difference between the prices of corn and cattle as that of four to one, compared to the present rates, affords important reflections concerning the very different state of industry and tillage in the two periods.

Interest had in that age mounted to an enormous height, as might be expected from the barbarism of the times and men's ignorance of commerce. Instances occur of fifty per cent. paid for money (M. Paris, p. 586). There is an edict of Philip Augustus near this period, limiting the Jews in France to forty-eight per cent (Brussel *Traité des Fiefs*, vol. i., p. 576). Such profits tempted the Jews to remain in the kingdom, notwithstanding the grievous oppressions to which, from the prevalent bigotry and rapine of the age, they were continually exposed. It is easy to imagine how precarious their state must have been under an indigent prince, somewhat restrained in his tyranny over his native subjects, but who possessed an unlimited authority over the Jews, the sole proprietors of money in the kingdom, and hated, on account of their riches, their religion, and their usury; yet will our ideas scarcely come up to the extortions which, in fact, we find to have been practised upon them. In the year 1241, 20,000 marks were exacted from them (M. Paris, p. 372). Two years after, money was again extorted; and one Jew alone, Aaron of York, was obliged to pay above 4000 marks (Ibid., p. 410). In 1250, Henry renewed his oppressions; and the same Aaron was condemned to pay him 30,000 marks upon an accusation of forgery (Ibid. p. 525); the high penalty imposed upon him, and which, it seems, he was thought able to pay, is rather a presumption of his innocence than of his guilt. In 1255, the king demanded 8000 marks from the Jews, and threatened to hang them if they refused compliance. They now lost all patience, and desired leave to retire with their effects out of the kingdom. But the king replied: 'How can I remedy the oppressions you complain of? I am myself a beggar. I am spoiled, I am stripped of all my revenues; I owe above 200,000 marks; and if I had said 300,000, I should not exceed the truth: I am obliged to pay my son, Prince Edward, 15,000 marks a year; I have not a farthing; and I must have money, from any hand, from any quarter, or by any means.' He then delivered over the Jews to the Earl of Cornwall, that those whom the one brother had flayed, the other might embowel, to make use of the words of the historian (Ibid. p. 606). King John, his father, once demanded 10,000 marks from a Jew of Bristol; and on his refusal, ordered one of his teeth to be drawn every

day till he should comply. The Jew lost seven teeth; and then paid the sum required of him (M. Paris, p. 160). One tallage laid upon the Jews in 1243 amounted to 60,000 marks (Madox, p. 152), a sum equal to the whole yearly revenue of the crown.

To give a better pretence for extortions, the improbable and absurd accusation, which has been at different times advanced against that nation, was revived in England, that they had crucified a child in derision of the sufferings of Christ. Eighteen of them were hanged at once for this crime (M. Paris, p. 613); though it is no wise credible, that even the antipathy borne them by the Christians, and the oppressions under which they laboured, would ever have pushed them to be guilty of that dangerous enormity. But it is natural to imagine, that a race exposed to such insults and indignities, both from king and people, and who had so uncertain an enjoyment of their riches, would carry usury to the utmost extremity, and by their great profits make themselves some compensation for their continual perils.

Though these acts of violence against the Jews proceeded much from bigotry, they were still more derived from avidity and rapine. So far from desiring in that age to convert them, it was enacted by law in France, that, if any Jew embraced Christianity, he forfeited all his goods, without exception, to the king or his superior lord. These plunderers were careful, lest the profits accruing from their dominion over that unhappy race should be diminished by their conversion (Brussel, vol. 1., p. 622, *Du Cange, verbo Judæi*).

Commerce must be in a wretched condition, where interest was so high, and where the sole proprietors of money employed it in usury only, and were exposed to such extortion and injustice. But the bad police of the country was another obstacle to improvements; and rendered all communication dangerous, and all property precarious. The Chronicle of Dunstable says (Vol. 1., p. 155), that men were never secure in their houses, and that whole villages were often plundered by bands of robbers, though no civil wars at that time prevailed in the kingdom. In 1249, some years before the insurrection of the barons, two merchants of Brabant came to the king at Winchester, and told him, that they had been spoiled of all their goods by certain robbers, whom they knew, because they saw their faces every day in his court; that like practices prevailed all over England, and travellers were continually exposed to the danger of being robbed, bound, wounded, and murdered; that these crimes escaped with impunity, because the ministers of justice themselves were in a confederacy with the robbers; and that they, for their part, instead of bringing matters to a fruitless trial by law, were willing, though merchants, to decide their cause with the robbers by arms and a duel. The king, provoked at these abuses, ordered a jury to be inclosed, and to try the robbers. The jury, though consisting of twelve men of property in Hampshire, were found to be also in a confederacy with the felons, and acquitted them. Henry, in a rage, committed the jury to prison, threatened them with severe punishment, and ordered a new jury to be inclosed, who, dreading the fate of their fellows, at last found a verdict against the criminals. Many of the king's own household were discovered to have participated in the guilt; and they said, for their excuse, that they received no wages

from him, and were obliged to rob for a maintenance (M. Paris, p. 509). 'Knights and esquires,' says the Dictum of Kenelworth, 'who were robbers, if they have no land, shall pay the half of their goods, and find sufficient security to keep henceforth the peace of the kingdom.' Such were the manners of the times.

One can the less repine, during the prevalence of such manners, at the frauds and forgeries of the clergy; as it gives less disturbance to society to take men's money from them with their own consent, though by deceipts and lies, than to ravish it by open force and violence. During this reign the papal power was at its summit, and was even beginning insensibly to decline, by reason of the immeasurable avarice and extortions of the court of Rome, which disgusted the clergy as well as laity in every kingdom of Europe. England itself, though sunk in the deepest abyss of ignorance and superstition, had seriously entertained thoughts of shaking off the papal yoke (M. Paris, p. 421); and the Roman pontiff was obliged to think of new expedients for rivetting it faster upon the Christian world. For this purpose, Gregory IX. published his decretals (Trivet, p. 191), which are a collection of forgeries, favourable to the court of Rome, and consist of the supposed decrees of popes in the first centuries. But these forgeries are so gross, and confound so palpably all language, history, chronology, and antiquities (matters more stubborn than any speculative truths whatsoever) that even that church, which is not startled at the most monstrous contradictions and absurdities, has been obliged to abandon them to the critics. But in the dark period of the thirteenth century, they passed for undisputed and authentic; and men, entangled in the mazes of this false literature, joined to the philosophy, equally false, of the times, had nothing wherewithal to defend themselves, but some small remains of common sense, which passed for profaneness and impiety, and the indelible regard to self-interest, which, as it was the sole motive in the priests for framing these impostures, served also, in some degree, to protect the laity against them.

Another expedient devised by the church of Rome, in this period, for securing her power, was the institution of new religious orders, chiefly the Dominicans and Franciscans, who proceeded with all the zeal and success that attend novelties; were better qualified to gain the populace than the old orders, now become rich and indolent; maintained a perpetual rivalry with each other in promoting their gainful superstitions, and acquired a great dominion over the minds, and consequently over the purses of men, by pretending a desire of poverty and a contempt for riches. The quarrels which arose between these orders, lying still under the control of the sovereign pontiff, never disturbed the peace of the church, and served only as a spur to their industry in promoting the common cause; and though the Dominicans lost some popularity by their denial of the immaculate conception, a point in which they unwarily engaged too far to be able to recede with honour, they counterbalanced this disadvantage by acquiring more solid establishments, by gaining the confidence of kings and princes, and by exercising the jurisdiction assigned them, of ultimate judges and punishers of heresy. Thus, the several orders of monks became a kind of regular troops or garrisons of the Romish church; and

though the temporal interests of society, still more the cause of true piety, were hurt, by then various devices to captivate the populace, they proved the chief supports of that mighty fabric of superstition, and, till the revival of true learning, secured it from any dangerous invasion.

The trial by ordeal was abolished in this reign by order of council: a faint mark of improvement in the age (Rymer, vol. 1., p. 228 ; Spelman, p. 326).

Henry granted a charter to the town of Newcastle, in which he gave the inhabitants a licence to dig coal. This is the first mention of coal in England.

We learn from Madox (p. 268), that this king gave at one time 100 shillings to Master Henry, his poet. also the same year he orders this poet ten pounds.

It appears from Selden, that in the 47th of this reign, a hundred and fifty temporal, and fifty spiritual barons were summoned to perform the service due by their tenures (Titles of Honour, part II., chap. 3). In the 35th of the subsequent reign, eighty-six temporal barons, twenty bishops, and forty-eight abbots, were summoned to a parliament convened at Carlisle (Parliament. Hist., vol. 1., p. 151).

## CHAPTER XIII.

### EDWARD I.

*Civil administration of the king.—Conquest of Wales.—Affairs of Scotland.—Competitors for the crown of Scotland.—Reference to Edward.—Homage of Scotland.—Award of Edward in favour of Baliol.—War with France.—Digression concerning the constitution of parliament.—War with Scotland.—Scotland subdued.—War with France.—Dissensions with the clergy.—Arbitrary measures.—Peace with France.—Revolt of Scotland.—That kingdom again subdued—again revolts—is again subdued—Robert Bruce.—Third revolt of Scotland.—Death—and character of the king.—Miscellaneous transactions of this reign.*

THE English were as yet so little enured to obedience under a regular government, that the death of almost every king, since the conquest, had been attended with disorders ; and the council reflecting on the recent civil wars, and on the animosities which naturally remain after these great convulsions, had reason to apprehend dangerous consequences from the absence of the son and successor of Henry. They therefore hastened to proclaim Prince Edward, to swear allegiance to him, and to summon the states of the kingdom, in order to provide for the public peace in this important conjuncture.<sup>1</sup> Walter Giffard, Archbishop of York, the Earl of Cornwall, son of Richard, King of the Romans, and the Earl of Gloucester, were appointed guardians of the realm, and proceeded peaceably to the exercise of

<sup>1</sup> Rymer, vol. II., p. 1 ; Walsing., p. 43 ; Trivet, p. 239.

their authority, without either meeting with opposition from any of the people, or being disturbed with emulation and faction among themselves. The high character acquired by Edward during the late commotions, his military genius, his success in subduing the rebels, his moderation in settling the kingdom, had procured him great esteem, mixed with affection, among all orders of men; and no one could reasonably entertain hopes of making any advantage of his absence, or of raising disturbance in the nation. The Earl of Gloucester himself, whose great power and turbulent spirit had excited most jealousy, was forward to give proofs of his allegiance; and the other malcontents, being destitute of a leader, were obliged to remain in submission to the government.

Prince Edward had reached Sicily in his return from the Holy Land, when he received intelligence of the death of his father, and he discovered a deep concern on the occasion. At the same time he learned the death of an infant son, John, whom his princess, Eleanor of Castile, had born him at Acre in Palestine; and as he appeared much less affected with that misfortune, the King of Sicily expressed a surprise at this difference of sentiment; but was told by Edward that the death of a son was a loss which he might hope to repair, the death of a father was a loss irreparable (Walsing., p. 44; Trivet, p. 240).

Edward proceeded homeward, but as he soon learned the quiet settlement of the kingdom, he was in no hurry to take possession of the throne, but spent near a year in France, before he made his appearance in England. In his passage by Chalons in Burgundy, he was challenged by the prince of the country to a tournament which he was preparing; and as Edward excelled in those martial and dangerous exercises, the true image of war, he declined not the opportunity of acquiring honour in that great assembly of the neighbouring nobles. But the image of war was here unfortunately turned into the thing itself. Edward and his retinue were so successful in the jousts, that the French knights, provoked at their superiority, made a serious attack upon them, which was repulsed, and much blood was idly shed in the quarrel.<sup>1</sup> This encounter received the name of the petty battle of Chalons.

Edward went from Chalons to Paris, and did homage to Philip for the dominions which he held in France (Walsing., p. 45). He thence returned to Guienne, and (A.D. 1274) settled that province, which was in some confusion. He made his journey to London through France; in his passage he accommodated a difference with Margaret, Countess of Flanders, heiress of that territory (Rymer, vol. ii, pp. 32, 33); he was received with joyful acclamations by his people, and was (Aug. 19) solemnly crowned at Westminster by Robert, Archbishop of Canterbury.

The king immediately applied himself to the re-establishment of his kingdom, and to the correcting of those disorders which the civil commotions, and the loose administration of his father, had introduced into every part of government. The plan of his policy was equally generous and prudent. He considered the great barons both as the immediate rivals of the crown and oppressors of the people; and he

<sup>1</sup> Walsing., p. 44, Trivet, p. 241, M. West., p. 402.

purposed, by an exact distribution of justice, and a rigid execution of the laws, to give at once protection to the inferior orders of the state, and to diminish the arbitrary power of the great, on which their dangerous authority was chiefly founded. Making it a rule in his own conduct to observe, except on extraordinary occasions, the privileges secured to them by the Great Charter, he acquired a right to insist upon their observance of the same charter towards their vassals and inferiors, and he made the crown be regarded by all the gentry and commonalty of the kingdom as the fountain of justice and the general asylum against oppression. Besides enacting several useful statutes, in a parliament which he summoned (Feb 16, 1275) at Winchester, he took care to inspect the conduct of all his magistrates and judges, to displace such as were either negligent or corrupt, to provide them with sufficient force for the execution of justice, to extirpate all bands and confederacies of robbers, and to repress those more silent robberies, which were committed either by the power of the nobles, or under the countenance of public authority. By this rigid administration the face of the kingdom was soon changed, and order and justice took place of violence and oppression. But amidst the excellent institutions and public-spirited plans of Edward, there still appears somewhat both of the severity of his character and of the prejudices of the times.

As the various kinds of malefactors, the murderers, robbers, incendiaries, ravishers, and plunderers, had become so numerous and powerful, that the ordinary ministers of justice, especially in the western counties, were afraid to execute the laws against them, the king found it necessary to provide an extraordinary remedy for the evil; and he erected a new tribunal, which, however useful, would have been deemed, in times of more regular liberty, a great stretch of illegal and arbitrary power. It consisted of commissioners, who were empowered to inquire into disorders and crimes of all kinds, and to inflict the proper punishments upon them. The officers, charged with this unusual commission, made their circuits throughout the counties of England most infested with this evil, and carried terror into all those parts of the kingdom. In their zeal to punish crimes, they did not sufficiently distinguish between the innocent and guilty, the smallest suspicion became a ground of accusation and trial; the slightest evidence was received against criminals; prisons were crowded with malefactors, real or pretended; severe fines were levied for small offences, and the king, though his exhausted exchequer was supplied by this expedient, found it necessary to stop the course of so great rigour, and after terrifying and dissipating, by this tribunal, the gangs of disorderly people in England, he prudently annulled the commission,<sup>1</sup> and never renewed it.

Among the various disorders to which the kingdom was subject, no one was more universally complained of than the adulteration of the coin; and as this crime required more art than the English of that age, who chiefly employed force and violence in their iniquities, were possessed of, the imputation fell upon the Jews (Walsing, p 48; Heming, vol 1., p 6). Edward also seems to have indulged a strong

<sup>1</sup> Spelman's Gloss in verbo *Trailbaston*. But Spelman was either mistaken in placing this commission in the fifth year of the king, or it was renewed in 1205. Rymer, vol. II., p 960; Trivet, p. 338, M. West., p 450.



prepossession against that nation; and this ill-judged zeal for Christianity being naturally augmented by an expedition to the Holy Land, he let loose the whole rigour of his justice against that unhappy people. Two hundred and eighty of them were hanged at once for this crime in London alone, besides those who suffered in other parts of the kingdom (T. Wykes, p. 107). The houses and lands (for the Jews had of late ventured to make purchases of that kind), as well as the goods of great multitudes, were sold and confiscated; and the king, lest it should be suspected that the riches of the sufferers were the chief part of their guilt, ordered a moiety of the money raised by these confiscations to be set apart, and bestowed upon such as were willing to be converted to Christianity. But resentment was more prevalent with them, than any temptation from their poverty; and very few of them could be induced by interest to embrace the religion of their persecutors. The miseries of this people did not here terminate. Though the arbitrary talliages and exactions levied upon them had yielded a constant and considerable revenue to the crown, Edward, prompted by his zeal and his rapacity, resolved some time after (in the year 1290) to purge the kingdom entirely of that hated race, and to seize to himself at once their whole property as the reward of his labour.<sup>1</sup> He left them only money sufficient to bear their charges into foreign countries, where new persecutions and extortions awaited them, but the inhabitants of the cinque-ports, imitating the bigotry and avidity of their sovereign, despoiled most of them of this small pittance, and even threw many of them into the sea, a crime for which the king, who was determined to be the sole plunderer in his dominions, inflicted a capital punishment upon them. No less than fifteen thousand Jews were at this time robbed of their effects and banished the kingdom; very few of that nation have since lived in England, and as it is impossible for a nation to subsist without lenders of money, and none will lend without a compensation, the practice of usury, as it was then called, was thenceforth exercised by the English themselves upon their fellow-citizens, or by Lombards and other foreigners. It is very much to be questioned, whether the dealings of these new usurers were equally open and unexceptionable with those of the old. By a law of Richard, it was enacted, that three copies should be made of every bond given to a Jew; one to be put into the hands of a public magistrate, another into those of a man of credit, and a third to remain with the Jew himself (Trivet, p. 128). But as the canon law, seconded by the municipal, permitted no Christian to take interest, all transactions of this kind must, after the banishment of the Jews, have become more secret and clandestine; and the lender, of consequence, be paid both for the use of his money, and for the infamy and danger he incurred by lending it.

The great poverty of the crown, though no excuse, was probably the cause of this egregious tyranny exercised against the Jews, but Edward also practised other more honourable means of remedying that evil. He employed a strict frugality in the management and distribution of his revenue; he engaged the parliament to vote him a fifteenth of all moveables; the Pope to grant him the tenth of all

<sup>1</sup> Walsing, p. 54; Heming, vol. i., p. 20, Trivet, p. 266.

ecclesiastical revenues for three years; and the merchants to consent to a perpetual imposition of half a mark on every sack of wool exported, and a mark on three hundred skins. He also issued commissions to inquire into all encroachments on the royal demesne; into the value of escheats, forfeitures, and wardships, and into the means of repairing or improving every branch of the revenue (*Ann. Waverl.*, p. 235). The commissioners in the execution of their office began to carry matters too far against the nobility, and to question titles or estates which had been transmitted from father to son for several generations. Earl Warrenne, who had done such eminent service in the late reign, being required to show his titles, drew his sword; and subjoined, that William the Bastard had not conquered the kingdom for himself alone; his ancestor was a joint adventurer in the enterprise, and he himself was determined to maintain what had from that period remained unquestioned in his family. The king, sensible of the danger, desisted from making further inquiries of this nature.

But the active spirit of Edward could not long remain without employment. He soon after undertook an enterprise more prudent for himself and more advantageous to his people. Lewellyn, Prince of Wales, had been deeply engaged with the Mountfoit faction, had entered into all their conspiracies against the crown, had frequently fought on their side; and till the battle of Evesham, so fatal to that party, had employed every expedient to depress the royal cause, and to promote the success of the barons. In the general accommodation made with the vanquished, Lewellyn had also obtained his pardon; but as he was the most powerful and therefore the most obnoxious vassal of the crown, he had reason to entertain anxiety about his situation, and to dread the future effects of resentment and jealousy in the English monarch. For this reason, he determined to provide for his security by maintaining a secret correspondence with his former associates, and he even made his addresses to a daughter of the Earl of Leicester, who was sent to him from beyond sea, but being intercepted in her passage near the isles of Scilly, was detained in the court of England.<sup>1</sup> This incident increasing the mutual jealousy between Edward and Lewellyn, the latter, when required to come to England and do homage to the new king, scrupled to put himself in the hands of an enemy, desued a safe conduct from Edward, insisted upon having the king's son and other noblemen delivered to him as hostages, and demanded that his consort should previously be set at liberty.<sup>2</sup> The king having now brought the state to a full settlement, was not displeased with this occasion of exercising his authority, and subduing entirely the principality of Wales. He refused all Lewellyn's demands except that of a safe conduct, sent him repeated summons to perform the duty of a vassal, levied an army to reduce him to obedience, obtained a new aid of a fifteenth from parliament, and (A.D. 1277) marched out with certain assurance of success against the enemy. Besides the great disproportion of force between the kingdom and the principality, the circumstances of the two states were entirely reversed, and the same intestine dissensions which had formerly weakened

<sup>1</sup> Walsing, pp. 46, 47. Heming, vol. 1, p. 5. Trivet, p. 248

<sup>2</sup> Rymer, vol. 11, p. 68. Walsing, p. 46. Trivet, p. 247.

England, now prevailed in Wales, and had even taken place in the reigning family. David and Roderic, brothers to Lewellyn, dispossessed of their inheritance by that prince, had been obliged to have recourse to the protection of Edward, and they seconded with all their interest, which was extensive, his attempts to enslave their native country. The Welsh prince had no resource but in the inaccessible situation of his mountains, which had hitherto through many ages defended his forefathers against all attempts of the Saxon and Norman conquerors, and he retired among the hills of Snowdon, resolved to defend himself to the last extremity. But Edward, equally vigorous and cautious, entering by the north with a formidable army, pierced into the heart of the country, and having carefully explored every road before him and secured every pass behind him, approached the Welsh army in its last retreat. He here avoided the putting to trial the valour of a nation proud of its ancient independence, and inflamed with animosity against its hereditary enemies; and he trusted to the slow but sure effects of famine for reducing that people to subjection. The rude and simple manners of the natives, as well as the mountainous situation of their country, had made them entirely neglect tillage, and trust to pasturage alone for their subsistence; a method of life which had hitherto secured them against the irregular attempts of the English, but exposed them to certain ruin when the conquest of the country was steadily pursued and prudently planned by Edward. Destitute of magazines, cooped up in a narrow corner, they, as well as their cattle, suffered all the rigors of famine; and Lewellyn, without being able to strike a stroke for his independence, was at last obliged to submit at discretion and (Nov. 19) receive the terms imposed upon him by the victor (T. Wykes, p. 105). He bound himself to pay to Edward 50,000*l.*, as a reparation of damages, to do homage to the crown of England, to permit all the other barons of Wales, except four near Snowdon, to swear fealty to the same crown, to relinquish the country between Cheshire and the river Conway, to settle on his brother Roderic 1000 marks a year, and on David 500, and to deliver ten hostages as security for his future submission<sup>1</sup>.

Edward, on the performance of the other articles, remitted to the Prince of Wales the payment of the 50,000*l.* (Rymer, p. 92), which were stipulated by treaty, and which it is probable, the poverty of the country made it absolutely impossible for him to levy. But notwithstanding this indulgence, complaints of iniquities soon arose on the side of the vanquished; the English, insolent on their easy and bloodless victory, oppressed the inhabitants of the districts which were yielded to them; the lords marchers committed with impunity all kinds of violence on their Welsh neighbours; new and more severe terms were imposed on Lewellyn himself, and Edward, when the prince attended him at Worcester, exacted a promise that he would retain no person in his principality who should be obnoxious to the English monarch (Dr. Powell's *Hist. of Wales*, pp. 344, 345). There were other personal insults which raised the indignation of the Welsh, and made them determine rather to encounter a force which they had already experienced to be much superior, than to bear oppression from

<sup>1</sup> Rymer, vol. 11, p. 88; Walsing, p. 7, Trivet, p. 251; T. Wykes, p. 106.

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the haughty victors. Prince David, seized with the national spirit, made peace with his brother, and promised to concur in the defence of public liberty. The Welsh flew to arms; and Edward, not displeased with the occasion of making his conquest final and absolute, assembled all his military tenants, and advanced into Wales with an army which the inhabitants could not reasonably hope to resist. The situation of the country gave the Welsh at first some advantage over Luke de Tany, one of Edward's captains, who had passed the Menau with a detachment;<sup>1</sup> but Llewellyn, being surprised by Mortimer, was defeated and slain in an action, and 2000 of his followers were put to the sword.<sup>2</sup> David, who succeeded him in the principality, could never collect an army sufficient to face the English, and being chased from hill to hill, and hunted from one retreat to another, was obliged to conceal himself under various disguises, and was at last betrayed in his lurking-place to the enemy. Edward sent him in chains to Shrewsbury, and bringing him to a formal trial before all the peers of England, ordered this sovereign prince to be hanged, drawn and quartered, as a traitor, for defending by arms the liberties of his native country, together with his own hereditary authority.<sup>3</sup> All the Welsh nobility submitted to the conqueror, the laws of England, with the sheriffs and other ministers of justice, were established in that principality; and though it was long before national antipathies were extinguished and a thorough union attained between the people, yet this important conquest, which it had required eight hundred years fully to effect, was at last, through the abilities of Edward, completed by the English.

The king, sensible that nothing kept alive the ideas of military valour and of ancient glory so much as the traditional poetry of the people, which, assisted by the power of music, and the jollity of festivals, made deep impression on the minds of the youth, gathered (A.D. 1284) together all the Welsh bards, and, from a barbarous though not absurd policy, ordered them to be put to death (Sir J. Wynne, p. 15).

There prevails a vulgar story, which, as it well suits the capacity of the monkish writers, is carefully recorded by them: that Edward, assembling the Welsh, promised to give them a prince of unexceptionable manners, a Welshman by birth, and one who could speak no other language. On their acclamations of joy, and promise of obedience, he invested in the principality his second son Edward, then an infant, who had been born at Carnarvon. The death of his eldest son Alfonso, soon after, made young Edward heir of the monarchy. The principality of Wales was fully annexed to the crown, and henceforth gives a title to the eldest son of the kings of England.

The settlement of Wales appeared so complete to Edward, that, in less than two years after (A.D. 1286), he went abroad, in order to make peace between Alphonso, King of Arragon, and Philip the Fair, who had lately succeeded his father Philip the Hardy, on the throne of France (Rymer, vol. ii, p. 149, 150, 174). The difference between these two princes had arisen about the kingdom of Sicily, which the Pope,

<sup>1</sup> Walsing, p. 50, Heming, vol. i, p. 9, Trivet, p. 258, T. Wykes, p. 110.

<sup>2</sup> Heming, vol. i, p. 11, Trivet, p. 257, Ann. Waverl., p. 235.

<sup>3</sup> Heming, vol. i, p. 12; Trivet, p. 259, Ann. Waverl., p. 238, T. Wykes, p. 111; M. West., p. 411.

after his hopes from England failed him, had bestowed on Charles, brother to St. Lewis, and which was claimed upon other titles, by Peter, King of Arragon, father to Alphonso. Edward had powers from both princes to settle the terms of peace, and he succeeded in his endeavours; but as the controversy nowise regards England, we shall not enter into a detail of it. He stayed abroad three years; and on his return, found many disorders to have prevailed, both from open violence, and from the corruption of justice.

Thomas Chamberlain, a gentleman of some note, had assembled several of his associates at Boston, in Lincolnshire, under pretence of holding a tournament, an exercise practised by the gentry only, but in reality with a view of plundering the rich fair of Boston, and robbing the merchants. To facilitate his purpose, he privately set fire to the town; and while the inhabitants were employed in quenching the flames, the conspirators broke into the booths, and carried off the goods. Chamberlain himself was detected and hanged, but maintained so steadily the point of honour to his accomplices, that he could not be prevailed on, by offers and promises, to discover any of them. Many other instances of robbery and violence broke out in all parts of England, though the singular circumstances attending this conspiracy have made it alone be particularly recorded by historians (Hemingsford, vol. 1., pp 16, 17).

But the corruption of the judges, by which the fountains of justice were poisoned, seemed of still more dangerous consequence. Edward, in order to remedy this prevailing abuse, summoned (A.D. 1289) a parliament, and brought the judges to a trial; where all of them, except two, who were clergymen, were convicted of this flagrant iniquity, were fined, and deposed. The amount of the fines, levied upon them, is alone a sufficient proof of their guilt; being above one hundred thousand marks, an immense sum in those days, and sufficient to defray the charges of an expensive war between two great kingdoms. The king afterwards made all the new judges swear that they would take no bribes, but his expedient, of deposing and fining the old ones, was the more effectual remedy.

We now come to give an account of the state of affairs in Scotland, which gave rise to the most interesting transactions of this reign, and of some of the subsequent; though the intercourse of that kingdom with England, either in peace or war, had hitherto produced so few events of moment, that, to avoid tediousness, we have omitted many of them, and have been very concise in relating the rest. If the Scots had, before this period, any real history, worthy of the name, except what they glean from scattered passages in the English historians, those events, however minute, yet, being the only foreign transactions of the nation, might deserve a place in it.

Though the government of Scotland had been continually exposed to those factions and convulsions which are incident to all barbarous, and to many civilized nations; and though the successions of their kings, the only part of their history which deserves any credit, had often been disordered by irregularities and usurpations, the true heir of the royal family had still in the end prevailed, and Alexander III, who had espoused the sister of Edward, probably inherited, after a period of

about eight hundred years, and through a succession of males, the sceptre of all the Scottish princes, who had governed the nation since its first establishment in the island. This prince died, in 1286, by a fall from his horse at Kinghorn (Heming., vol. 1., p. 29; Trivet, p. 267), without leaving any male issue, and without any descendant, except Margaret, born of Eric, King of Norway, and of Margaret, daughter of the Scottish monarch. This princess, commonly called the Maid of Norway, though a female, and an infant, and a foreigner, yet being the lawful heir of the kingdom, had, through her grandfather's care, been recognised successor by the states of Scotland (Rymer, vol. 11., p. 266); and on Alexander's death, the dispositions which had been previously made against that event, appeared so just and prudent, that no disorders, as might naturally be apprehended, ensued in the kingdom. Margaret was acknowledged Queen of Scotland; five guardians, the bishops of St. Andrews and Glasgow, the earls of Fife and Buchan, and James, Steward of Scotland, entered peaceably upon the administration; and the infant princess, under the protection of Edward, her great-uncle, and Eric, her father, who exerted themselves on this occasion, seemed firmly seated on the throne of Scotland. The English monarch was naturally led to build mighty projects on this incident; and having lately, by force of arms, brought Wales under subjection, he attempted, by the marriage of Margaret with his eldest son Edward, to unite the whole island into one monarchy, and thereby to give it security both against domestic convulsions and foreign invasions. The amity which had of late prevailed between the two nations, and which, even in former times, had never been interrupted by any violent wars or injuries, facilitated extremely the execution of this project, so favourable to the happiness and grandeur of both kingdoms; and the states of Scotland readily gave their assent to the English proposals, and even agreed that their young sovereign should be educated in the court of Edward. Anxious, however, for the liberty and independency of their country, they took care to stipulate very equitable conditions, ere they entrusted themselves into the hands of so great and so ambitious a monarch. It was agreed that they should enjoy all their ancient laws, liberties, and customs, that in case young Edward and Margaret should die without issue, the crown of Scotland should revert to the next heir, and should be inherited by him free and independent; that the military tenants of the crown should never be obliged to go out of Scotland, in order to do homage to the sovereign of the united kingdoms, nor the chapters of cathedral, collegiate, or conventual churches, in order to make elections, that the parliaments summoned for Scottish affairs, should always be held within the bounds of that kingdom; and that Edward should bind himself, under the penalty of 100,000 marks, payable to the Pope for the use of the holy wars, to observe all these articles (Rymer, vol. 11, p. 482). It is not easy to conceive, that two nations could have treated more on a footing of equality than Scotland and England maintained during the whole course of this transaction; and though Edward gave his assent to the article concerning the future independency of the Scottish crown, with a 'saving of his former rights;' this reserve gave no alarm to the nobility of Scotland, both because these rights, having hitherto been

little heard of, had occasioned them no disturbance, and because the Scots had so near a prospect of seeing them entirely absorbed in the rights of their sovereignty.

But this project, so happily formed and so amicably conducted, failed of success, by the sudden death of the Norwegian princess, who (A.D. 1291) expired on her passage to Scotland (Heming., vol. i., p. 30; Trivet, p. 268), and left a very dismal prospect to the kingdom. Though disorders were for the present obviated by the authority of the regency formerly established, the succession itself of the crown was now become an object of dispute; and the regents could not expect that a controversy, which is not usually decided by reason and argument alone, would be peaceably settled by them, or even by the states of the kingdom, amidst so many powerful pretenders. The posterity of William, King of Scotland, the prince taken prisoner by Henry II., being all extinct by the death of Margaret of Norway, the right to the crown devolved on the issue of David, Earl of Huntingdon, brother to William, whose male line being also extinct, left the succession open to the posterity of his daughters. The Earl of Huntingdon had three daughters. Margaret, married to Alan, lord of Galloway; Isabella, wife of Robert Brus or Bruce, lord of Annandale, and Adama, who espoused Henry Lord Hastings. Margaret, the eldest of the sisters, left one daughter, Devergilda, married to John Baliol, by whom she had a son of the same name, one of the present competitors for the crown; Isabella, the second, bore a son, Robert Bruce, who was now alive, and who also insisted on his claim; Adama, the third, left a son, John Hastings, who pretended that the kingdom of Scotland, like many other inheritances, was divisible among the three daughters of the Earl of Huntingdon, and that he, in right of his mother, had a title to a third of it. Baliol and Bruce united against Hastings, in maintaining that the kingdom was indivisible; but each of them, supported by plausible reasons, asserted the preference of his own title. Baliol was sprung from the elder branch; Bruce was one degree nearer the common stock, if the principal of representation was regarded, the former had the better claim; if propinquity was considered, the latter was entitled to the preference (Heming, vol. i. p. 36). The sentiments of men were divided, all the nobility had taken part on one side or the other; the people followed implicitly their leaders; the two claimants themselves had great power and numerous retainers in Scotland; and it is no wonder that among a rude people, more accustomed to arms than enured to laws, a controversy of this nature, which could not be decided by any former precedent among them, and which is capable of exciting commotions in the most legal and established governments, should threaten the state with the most fatal convulsions.

Each century has its peculiar mode in conducting business, and men, guided more by custom than by reason, follow, without inquiry, the manners which are prevalent in their own time. The practice of that age, in controversies between states and princes, seems to have been to choose a foreign prince as an equal arbiter, by whom the question was decided, and whose sentence prevented those dismal confusions and disorders inseparable at all times from war, but which were multiplied a hundred-fold, and dispersed into every corner, by the

nature of the feudal governments. It was thus that the English king and barons, in the preceding reign, had endeavoured to compose their dissensions by a reference to the King of France; and the celebrated integrity of that monarch had prevented all the bad effects which might naturally have been dreaded from so perilous an expedient. It was thus that the kings of France and Arragon, and afterwards other princes, had submitted their controversies to Edward's judgment; and the remoteness of their states, the great power of the princes, and the little interest which he had on either side, had induced him to acquit himself with honour in his decisions. The parliament of Scotland, therefore, threatened with a furious civil war, and allured by the great reputation of the English monarch, as well as by the present amicable correspondence between the kingdoms, agreed in making a reference to Edward; and Fraser, Bishop of St. Andrews, with other deputies, was sent to notify to him their resolution and to claim his good offices in the present dangers to which they were exposed (Heming., vol. i., p. 31). His inclination, they flattered themselves, led him to prevent their dissensions, and to interpose with a power which none of the competitors would dare to withstand; when this expedient was proposed by one party, the other deemed it dangerous to object to it, indifferent persons thought that the imminent perils of a civil war would thereby be prevented; and no one reflected on the ambitious character of Edward, and the almost certain ruin which must attend a small state divided by faction, when it thus implicitly submits itself to the will of so powerful and encroaching a neighbour.

The temptation was too strong for the virtue of the English monarch to resist. He purposed to lay hold of the present favourable opportunity, and if not to create, at least to revive, his claim of a feudal superiority over Scotland; a claim which had hitherto lain in the deepest obscurity, and which, if ever it had been an object of attention or had been so much as suspected, would have effectually prevented the Scottish barons from choosing him for an umpire. He well knew that, if this pretension were once submitted to, as it seemed difficult in the present situation of Scotland to oppose it, the absolute sovereignty of that kingdom (which had been the case with Wales) would soon follow, and that one great vassal cooped up in an island with his liege lord, without resource from foreign powers, without aid from any fellow vassals, could not long maintain his dominions against the efforts of a mighty kingdom, assisted by all the cavils which the feudal law afforded his superior against him. In pursuit of this great object, very advantageous to England, perhaps in the end no less beneficial to Scotland, but extremely unjust and iniquitous in itself, Edward busied himself in searching for proofs of his pretended superiority; and instead of looking into his own archives which, if his claim had been real must have afforded him numerous records of the homages done by the Scottish princes, and could alone yield him any authentic testimony, he made all the monasteries be ransacked for old chronicles and histories written by Englishmen, and he collected all the passages which seemed anywise to favour his pretensions (Walsing., p. 55). Yet even in this method of proceeding, which must have discovered to himself the injustice of his claim, he was far from being fortunate.



He began his proofs from the time of Edward the Elder, and continued them through all the subsequent Saxon and Norman times, but produced nothing to his purpose (Rymer, vol. ii., p. 559). The whole amount of his authorities during the Saxon period, when stripped of the bombast and inaccurate style of the monkish historians is, that the Scots had sometimes been defeated by the English, had received peace on disadvantageous terms, had made submissions to the English monarch, and had even perhaps fallen into some dependence on a power which was so much superior, and which they had not at that time sufficient force to resist. His authorities from the Norman period were, if possible, still less conclusive, the historians indeed make frequent mention of homage done by the northern potentate, but no one of them says that it was done for his kingdom, and several of them declare in express terms, that it was relative only to the fiefs which he enjoyed south of the Tweed,<sup>1</sup> in the same manner as the King of England himself swore fealty to the French monarch, for the fiefs he inherited in France. And to such scandalous shifts was Edward reduced, that he quotes a passage from Hoveden (p. 662), where it is asserted that a Scottish king had done homage to England, but he purposely omits the latter part of the sentence, which expresses that this prince had done homage for the lands which he held in England.

When William, King of Scotland, was taken prisoner in the battle of Alnwick, he was obliged, for the recovery of his liberty, to swear fealty to the victor for his crown itself. The deed was performed according to all the rites of the feudal law; the record was preserved in the English archives, and is mentioned by all the historians; but as it is the only one of the kind, and as historians speak of this superiority as a great acquisition gained by the fortunate arms of Henry II. (Neubr., lib. ii., cap. 4., Kynghton, p. 2392), there can remain no doubt that the kingdom of Scotland was in all former periods, entirely free and independent. Its subjection continued a very few years; King Richard desirous, before his departure for the Holy Land, to conciliate the friendship of William, renounced that homage which, he says in express terms, had been extorted by his father, and he only retained the usual homage which had been done by the Scottish princes for the lands which they held in England.

But though this transaction rendered the independence of Scotland still more unquestionable than if no fealty had ever been sworn to the English crown, the Scottish kings, apprised of the point aimed at by their powerful neighbours, seem for a long time to have retained some jealousy on that head, and in doing homage, to have anxiously obviated all such pretensions. When William in 1200, did homage to John at Lincoln, he was careful to insert a salvo for his royal dignity (Hoveden, p. 811); when Alexander III., sent assistance to his father-in-law, Henry III., during the wars of the barons, he previously procured an acknowledgment that this aid was granted only from friendship, not from any right claimed by the English monarch (Rymer, vol. ii., p. 844); and when the same prince was invited to assist at the

<sup>1</sup> Hoveden, pp. 492, 662, M. Paris, p. 209, M. West., p. 256.

coronation of this very Edward, he declined attendance till he received a like acknowledgment.<sup>1</sup>

But as all these reasons (and stronger could not be produced) were

<sup>1</sup> Rymer, vol. II, pp. 276, 845. There cannot be the least question, that the homage usually paid by the Kings of Scotland was not for their crown, but for some other territory. The only question remains, why this territory was not the same for all the Kings of Scotland. Huntingdon nor the historians of the reign of Henry II. give us any clue for the solution of this question. Penryn, because we find it sometimes done at a time when these possessions were not in the hands of the kings of Scotland. It is probable that the homage was performed in general terms without any particular specification of territory, and this inaccuracy had proceeded either from some dispute between the two kings about the territory and some opposite claims, which were compromised by the general homage, or from the simplicity of the age, which employed few words in every transaction. To prove this we need but look into the letter of King Richard, where he resigns the homage of Scotland, reserving the usual homage. His words are 'Sapediticus W. Rex ligus homo noster deveniat 'de omnibus terminis de quibus antecessores sui antecessorum nostrorum ligi homines fuerunt, 'et nobis atque haereditibus nostris fidelitatem jurantur'. Rymer, vol. I, p. 65. These general terms were probably copied from the usual form of the homage itself.

It is no proof that the kings of Scotland possessed no lands or baronies in England, because we cannot find them in the imperfect histories and records of that age. For instance, it clearly appears, from another passage of this very letter of Richard, that the Scottish king held lands in the county of Devon; and that he was entitled to the earldom of Huntingdon.

The two names which are mentioned in the list of the other persons who were present at the coronation of Edward I., are specified by a particular enumeration

A late author of great industry and learning, but full of prejudices, and of no penetration, Mr Carte, has taken advantage of the undefined terms of the Scotch homage, and has pretended that it was done for Lothian and Galloway, that is, for the territories of the country now called Scotland, lying south of the Clyde, from Glasgow to the Forth. But to refute this pretension at once, we need only say that, as these territories were held in fee of the English kings, they could be held by the nature of the feudal law, as established in England, have been continual appeals from them to the courts of the lord paramount, contrary to all the histories and records of that age. We find that, as soon as Edward really established his superiority, appeals immediately commenced from all parts of Scotland, and that king, in his writ to the king's bench, considers them as a necessary consequence of the feudal tenure. Such large territories also would have supplied a considerable part of the English armies, which never could have escaped all the historians. Not to mention that there is not any instance of a Scotch prisoner of war being tried as a rebel, in the frequent hostilities between the kingdoms, where the Scottish armies were chiefly filled from the southern counties.

where the Scottish armies were chiefly killed from the southern counties. Mr. Carte's notion with regard to Galloway, which comprehends, in the language of that age, or rather in that of the preceding, most of the south west counties of Scotland, his notion, I say, rests on so slight a foundation, that it scarcely merits being refuted. He will have it (and merely because he will have it) that the Cumberland yielded by King Edmund to Malcolm I meant not only the county in England of that name, but all the territory northwards to the Clyde. But the case of Lothian deserves some more consideration

no towards to the Clyde, but the last of Lothian, to save me trouble, I will say that it is certain that many ancient languages and names of the country north of the Firth of Clyde, &c. For I shall not make a parade of literature to prove it, because I do not think that this point is disputed by the Scots themselves. The southern country was divided into Galloway and Lothian, and the latter comprehended all the south-east counties. This territory was certainly a part of the ancient kingdom of Northumberland, and was entirely peopled by Saxons, who afterwards received a great mixture of Danes among them. It appears from all the English histories, that the whole kingdom of Northumberland paid very little obedience to the Anglo-Saxon monarchs, who governed after the dissolution of the heptarchy, and the northern and remote parts of it seem to have fallen into a kind of anarchy, sometimes pillaged by the Danes, sometimes joining them in their ravage, upon other parts of England. The kings of Scotland lying nearer them, took at last possession of the country, which had scarcely any government, and we are told by Matthew of Westminster, p. 193, that King Edgar made a grant of the territory to Kenneth III, that is, he resigned claims which he could not make effectual, without bestowing on them more powerful expedients than they were worth, for these are the greatest arguments that can be urged by kings, and so ambitiously that King Edgar would never have made presents of any other kind, than what Matthew of Westminster's authority may appear small with regard to so remote a transaction, yet we may admit it in this case, because Ordeusius Vitalis, a good authority, tells us, p. 701, that Malcolm acknowledged to William Rufus, that the Conqueror had confirmed to him the former grant of Lothian. But it follows not, because Edgar made this species of grant to Kenneth, that therefore he exacted homage for that territory. Homage,

but a feeble rampart against the power of the sword; Edward, carrying with him a great army which was to enforce his proofs, advanced to the frontiers, and invited the Scottish parliament and all the competitors, to attend him in the castle of Norham, a place situated on the southern banks of the Tweed, in order to determine that cause which had been referred to his arbitration. But though this deference seemed due to so great a monarch, and was no more than what his father and the English barons had, in similar circumstances, paid to Lewis IX., the king, careful not to give umbrage, and determined never to produce his claim till it should be to late to think of opposition, sent the Scottish barons an acknowledgment that, though at that time they passed the frontiers, this step should never be drawn into precedent, or afford the English kings a pretence for exacting a like submission in any future transaction (Rymer, vol. ii., pp 539, 845; Walsing., p. 56) When the whole Scottish nation had thus unwarily put themselves in his power, Edward opened the conferences at Norham, he informed the parliament, by the mouth of Roger de Biabançon, his chief justiciary, that he was come thither to determine the right among the competitors to their crown, that he was determined to do strict justice to all parties; and that he was intitled to this authority, not in virtue of the reference made to him, but in quality of superior and liege lord of the kingdom.<sup>1</sup> He then produced his proofs of this superiority, which he pretended to be unquestionable, and he required of them an acknowledgment of it; a demand which was superfluous if the fact were already known and

and all the rites of the feudal law, were very little known among the Saxons, and we may also suppose that the claim of Edgar was so antiquated and weak, that in resigning it, he made no very valuable concession, and Kenneth might well refuse to hold, by so precarious a tenure, a territory which he at present held by the sword. In short, no author says he did homage for it.

The only colour indeed of authority for Mr Carte's notion is, that Matthew Paris, who wrote in the reign of Hen III before Edward's claim of superiority was heard of, says that Alex III. did homage to Hen III. *pro Laudiano et aliis terris*. See p. 555. This word seems naturally to be interpreted Lothian. But in the first place, Matthew Paris's testimony, though considerable, will not outweigh that of all the other historians, who say that the Scotch homage was always done for lands in England. Secondly, if the Scotch homage was done in general terms (as has been already proved), it is no wonder that historians should differ in their account of the object of it, since, it is probable, the parties themselves were not fully agreed. Thirdly, there is reason to think that *Laudianum*, in Matthew Paris, does not mean the Lothians now in Scotland. There appears to have been a territory, which anciently bore that or a similar name, in the north of England. For (1) The Saxon Chron., p. 197, says, that Malcolm Kenmore met William Rufus in Lodene in England. (2) It is agreed by all historians, that Hen II only conquered from Scotland the northern counties of Northumberland, Cumberland, and Westmorland. Newbri., p. 383; Wykes, p. 30; Hemmingford, p. 492. Yet the same country is called by other historians *Loidis*, *comitatus Lodomensis*, or some such name. M. Paris, p. 68; M. West, p. 247; Annal Waverl., p. 159; and Diceto, p. 531. (3) This last mentioned author, when he speaks of Lothian in Scotland, calls it *Loheneis*, p. 574, though he had called the English territory *Loidis*.

I thought this long note necessary, in order to correct Mr Carte's mistake, an author whose diligence and whose industry has given light to many passages of the more ancient English history.

<sup>1</sup> Rymer, vol. ii., p. 543. It is remarkable that the English chancellor spoke to the Scotch parliament in the French tongue. This was also the language commonly made use of by all parties on that occasion. Ibid., *passim*. Some of the most considerable among the Scotch, as well as almost all the English barons, were of French origin, they valued themselves upon it; and pretended to despise the language and manners of the island. It is difficult to account for the settlement of so many French families in Scotland, the Bruces, Baliols, Frasers, St. Clairs, Montgomeries, Somervilles, Gordons, Cummins, Colvilles, Umfrevilles, Mowbrays, Hays, Maules, who were not supported there, as in England, by the power of the sword. But the superiority of the smallest civility and knowledge over total ignorance and barbarism is prodigious.

avowed, and which plainly betrays Edward's consciousness of his lame and defective title. The Scottish parliament was astonished at so new a pretension, and answered only by their silence. But the king, in order to maintain the appearance of free and regular proceedings, desired them to remove into their own country, to deliberate upon his claim, to examine his proofs, to propose all their objections, and to inform him of their resolution; and he appointed a plain at Upsettleton, on the northern banks of the Tweed, for that purpose.

When the Scottish barons assembled in this place, though moved with indignation at the injustice of this unexpected claim, and at the fraud with which it had been conducted, they found themselves betrayed into a situation, in which it was impossible for them to make any defence for the ancient liberty and independence of their country. The King of England, a martial and politic prince at the head of a powerful army, lay at a very small distance, and was only separated from them by a river fordable in many places. Though by a sudden flight some of them might themselves be able to make their escape, what hopes could they entertain of securing the kingdom against his future enterprises? Without a head, without union among themselves, attached all of them to different competitors, whose title they had rashly submitted to the decision of this foreign usurper, and who were thereby reduced to an absolute dependence upon him, they could only expect by resistance to entail on themselves and their posterity a more grievous and more destructive servitude. Yet even in this desperate state of their affairs, the Scottish barons, as we learn from Walsingham,<sup>1</sup> one of the best historians of that period, had the courage to reply that, till they had a king, they could take no resolution on so momentous a point; the journal of King Edward says, that they made no answer at all (Rymer, vol. ii, p. 548); that is, perhaps, no 'particular' answer or objection to Edward's claim, and by this solution it is possible to reconcile the journal with the historian. The king, therefore, interpreting their silence as consent, addressed himself to the several competitors, and previously to his pronouncing sentence, required their acknowledgment of his superiority.

It is evident from the genealogy of the royal family of Scotland, that there could only be two questions about the succession, that between Baliol and Bruce on the one hand, and Lord Hastings on the other, concerning the partition of the crown; and that between Baliol and Bruce themselves, concerning the preference of their respective titles, supposing the kingdom indivisible; yet there appeared on this occasion no less than nine claimants besides, John Comyn or Cummin Lord of Badenoch, Florence Earl of Holland, Patric Dunbar Earl of March, William de Vescey, Robert de Pynkeni, Nicholas de Soules, Patric Galythly, Roger de Mandeville, Robert de Ross, not to mention the King of Norway, who claimed as heir to his daughter Margaret (Walsing, p. 58). Some of these competitors were descended from more remote branches of the royal family; others were even sprung from illegitimate children; and as none of them had the least pretence of right, it is natural to conjecture, that Edward had secretly encouraged

<sup>1</sup> P. 56; M. West, p. 436. It is said by Hemmingford, vol. i, p. 33, that the king menaced violently the Scotch barons, and forced them to compliance, at least to silence.

them to appear in the list of claimants, that he might sow the more division among the Scottish nobility, make the cause appear the more intricate, and be able to choose, among a great number, the most obsequious candidate.

But he found them all equally obsequious on this occasion <sup>1</sup> Robert Bruce was the first that acknowledged Edward's right of superiority over Scotland; and he had so far foreseen the king's pretensions, that even in his petition, where he set forth his claim to the crown, he had previously applied to him as liege lord of the kingdom, a step which was not taken by any of the other competitors (Rymer, vol. 11., pp. 577, 578, 579). They all, however, with seeming willingness, made a like acknowledgment when required; though Baliol, lest he should give offence to the Scottish nation, had taken care to be absent during the first days; and he was the last that recognized the king's title (Ibid., p. 546). Edward next deliberated concerning the method of proceeding in the discussion of this great controversy. He gave orders that Baliol, and such of the competitors as adhered to him, should choose forty commissioners; Bruce, and his adherents forty more, to these the king added twenty-four Englishmen; he ordered these 104 commissioners to examine the cause deliberately among themselves, and make their report to him (Ibid., pp. 555, 556). And he promised in the ensuing year to give his determination. Meanwhile, he pretended that it was requisite to have all the fortresses of Scotland delivered into his hands, in order to enable him, without opposition, to put the true heir in possession of the crown; and this exorbitant demand was complied with, both by the states and by the claimants (Ibid., p. 529; Walsing., pp. 56, 57). The governors also of all the castles immediately resigned their command, except Umfrville earl of Angus, who refused, without a formal and particular acquittal from the parliaments and the several claimants, to surrender his fortresses to so domineering an arbiter, who had given to Scotland so many just reasons of suspicion (Rymer, vol. 11, p. 531). Before this assembly broke up, which had fixed such a mark of dishonour on the nation, all the prelates and barons there present swore fealty to Edward; and that prince appointed commissioners to receive the oath from all the other barons and persons of distinction in Scotland (Ibid., p. 573).

The king having finally made, as he imagined, this important acquisition, left the commissioners to sit at Berwick, and examine the titles of the several competitors who claimed the precarious crown, which Edward was willing for some time to allow the lawful heir to enjoy. He went southwards, both in order to assist at the funeral of his mother, Queen Eleanor, who died about this time, and to compose some differences which had arisen among his principal nobility. Gilbert, earl of Gloucester, the greatest baron of the kingdom, had espoused the king's daughter, and being elated by that alliance, and still more by his own power, which, he thought, set him above the laws, he permitted his bailiffs and vassals to commit violence on the lands of Humphrey Bohun earl of Hereford, who retaliated the injury by like violence. But this was not a reign in which such illegal

<sup>1</sup> Rymer, vol. 11., pp. 529, 545; Walsing., p. 56, Heming., vol. 1., pp. 33, 34; Trivet, p. 260; M. West., p. 425

proceedings could pass with impunity. Edward procured a sentence against the two earls, committed them both to prison, and would not restore them to their liberty till he exacted a fine of 1000 marks from Hereford, and one of 10,000 from his son-in-law.

During this interval (A.D. 1292), the titles of John Baliol and of Robert Bruce, whose claims appeared to be the best founded among the competitors for the crown of Scotland, were the subject of general disquisition, as well as of debate among the commissioners. Edward, in order to give greater authority to his intended decision, proposed this general question, both to the commissioners, and to all the celebrated lawyers in Europe, whether a person descended from the elder sister, but farther removed by one degree, were preferable, in the succession of kingdoms, fiefs, and other indivisible inheritances, to one descended from the younger sister, but one degree nearer to the common stock? This was the true state of the case; and the principle of representation had now gained such ground everywhere, that a uniform answer was returned to the king in the affirmative. He therefore pronounced sentence in favour of Baliol, and when Bruce, upon this disappointment, joined afterwards Lord Hastings, and claimed a third of the kingdom, which he now pretended to be divisible, Edward, though his interests seemed more to require the partition of Scotland, again pronounced sentence in favour of Baliol. That competitor, upon renewing his oath of fealty to England, was put in possession of the kingdom (Rymer, vol. ii., pp. 590, 591, 593, 600); all his fortresses were restored to him (Rymer, vol. ii., p. 590), and the conduct of Edward, both in the deliberate solemnity of the proceedings, and in the justice of the award, was so far unexceptionable.

Had the king entertained no other view than that of establishing his superiority over Scotland, though the iniquity of that claim was apparent, and was aggravated by the most egregious breach of trust, he might have fixed his pretensions, and have left that important acquisition to his posterity, but he immediately proceeded in such a manner, as made it evident, that, not content with this usurpation, he aimed also at the absolute sovereignty and dominion of the kingdom. Instead of gradually inuring the Scots to the yoke, and exerting his rights of superiority with moderation, he encouraged all appeals to England; required (A.D. 1293) King John himself, by six different summonses on trivial occasions, to come to London (Rymer, vol. ii., pp. 603, 605, 606, 608, 615, 616), refused him the privilege of defending his cause by a procurator; and obliged him to appear at the bar of his parliament as a private person (Ryley's *Placit. Parl.* pp. 152, 153). These humiliating demands were hitherto quite unknown to a King of Scotland, they are, however, the necessary consequence of vassalage by the feudal law, and as there was no preceding instance of such treatment submitted to by a prince of that country, Edward must, from that circumstance alone, had there remained any doubt, have been himself convinced that his claim was altogether an usurpation.<sup>1</sup> But

<sup>1</sup> Rymer, vol. ii., p. 533, where Edward writes to the king's bench to receive appeals from Scotland. He knew the practice to be new and unusual, yet he establishes it as an infallible consequence of his superiority. We learn also from the same collection, p. 603, that immediately upon receiving the homage, he changed the style of his address to the Scotch king, whom he now calls *dicto et fidelis*, instead of *fratri dicto et fideli*, the appellation which

his intention plainly was, to enrage Baliol by these indignities, to engage him in rebellion, and to assume the dominion of the state, as the punishment of his treason and felony. Accordingly John Baliol, though a prince of a soft and gentle spirit, returned into Scotland highly provoked at this usage, and determined at all hazards, to vindicate his liberty; and the war, which soon after broke out between France and England, gave him a favourable opportunity of executing his purpose.

The violence, robberies, and disorders, to which that age was so subject, were not confined to the licentious barons and their retainers at land; the sea was equally infested with piracy; the feeble execution of the laws had given licence to all orders of men; and a general appetite for rapine and revenge, supported by a false point of honour, had also infected the merchants and mariners; and it pushed them, on any provocation, to seek redress by immediate retaliation upon the aggressors. A Norman and an English vessel met off the coast near Bayonne, and both of them having occasion for water, they sent their boats to land, and the several crews came at the same time to the same spring; there ensued a quarrel for the preference; a Norman, drawing his dagger, attempted to stab an Englishman, who, grappling with him, threw his adversary on the ground; and the Norman, as was pretended, falling on his own dagger, was slain (Walsing., p. 58; Heming, vol. 1, p. 39). This scuffle between two seamen about water soon kindled a bloody war between the two nations, and involved a great part of Europe in the quarrel. The mariners of the Norman ship carried their complaints to the French king; Philip, without inquiring into the fact, without demanding redress, bade them take revenge, and trouble him no more about the matter (Walsing., p. 58). The Normans, who had been more regular than usual in applying to the crown, needed but this hint to proceed to immediate violence. They seized an English ship in the channel, and hanging, along with some dogs, several of the crew on the yard-arm, in presence of their companions, dismissed the vessel (Heming, vol. 1, p. 40, M. West, p. 419), and bade the mariners inform their countrymen, that vengeance was now taken for the blood of the Norman killed at Bayonne. This injury, accompanied with so general and deliberate an insult, was resented by the mariners of the cinque ports, who, without carrying any complaint to the king, or waiting for redress, retaliated, by committing like barbarities on all French vessels without distinction. The French, provoked by their losses, preyed on the ships of all Edward's subjects, whether English or Gascon; the sea became a scene of piracy between the nations; the sovereigns, without either seconding or repressing the violence of their subjects, seemed to remain indifferent spectators; the English made private associations with the Irish and Dutch seamen; the French with the Flemish and Genoese (Heming, vol. 1, p. 40); and the animosities of the people on both sides became every day more violent and barbarous. A fleet

he had always before used to him. See pp. 109, 124, 168, 280, 1064. This is a certain proof that he himself was not deceived, as was scarcely indeed possible, but that he was conscious of his usurpation. Yet he solemnly swore afterwards to the justice of his pretensions, when he defended them before Pope Boniface.

of 200 Norman vessels set sail to the south for wine and other commodities; and in their passage seized all the English ships which they met with, hanged the seamen, and seized the goods. The inhabitants of the English sea ports, informed of this incident, fitted out a fleet of sixty sail, stronger and better manned than the others, and awaited the enemy on their return. After an obstinate battle, they put them to rout, and sunk, destroyed, or took the greater part of them.<sup>1</sup> No quarter was given, and it is pretended that the loss of the French amounted to 15,000 men, which is accounted for by the circumstance, that the Norman fleet was employed in transporting a considerable body of soldiers from the south.

The affair was now become too important to be any longer overlooked by the sovereigns. On Philip's sending an envoy to demand reparation and restitution, the king dispatched the Bishop of London to the French court in order to accommodate the quarrel. He first said, that the English courts of justice were open to all men; and if any Frenchman were injured, he might seek reparation by course of law (Trivet, p. 275). He next offered to adjust the matter by private arbiters, or by a personal interview with the King of France, or by a reference either to the Pope or the college of cardinals, or any particular cardinals agreed on by both parties (Ibid.) The French, probably the more disgusted as they were hitherto losers in the quarrel, refused all these expedients, the vessels and the goods of merchants were confiscated on both sides; depredations were continued by the Gascons on the western coast of France, as well as by the English in the channel; Philip cited the king, as Duke of Guienne, to appear in his court at Paris and answer for these offences, and Edward, apprehensive of danger to that province, sent John St. John, an experienced soldier, to Bourdeaux, and gave him directions to put Guienne in a posture of defence (Trivet, p. 276).

That he might, however, prevent a final rupture between the nations, the king (A.D. 1294) dispatched his brother, Edmond Earl of Lancaster, to Paris; and as this prince had espoused the Queen of Navarre, mother to Jane, Queen of France, he seemed, on account of that alliance, the most proper person for finding expedients to accommodate the difference. Jane pretended to interpose with her good offices; Mary, the queen-dowager, feigned the same amicable disposition; and these two princesses told Edmond that the circumstance the most difficult to adjust was the point of honour with Philip, who thought himself affronted by the injuries committed against him by his subvassals in Guienne; but if Edward would once consent to give him seizin and possession of that province, he would think his honour fully repaired, would engage to restore Guienne immediately, and would accept of a very easy satisfaction for all the other injuries. The king was consulted on the occasion; and as he then found himself in immediate danger of war with the Scots, which he regarded as the more important concern, this politic prince, blinded by his favourite passion for subduing that nation, allowed himself to be deceived by so gross an artifice.<sup>2</sup> He sent his brother orders to sign and execute the treaty

<sup>1</sup> Walsing., p. 60, Trivet, p. 274, Chron. Dunst., vol. 11., p. 609.

<sup>2</sup> Rymer, vol. 11., pp. 619, 620, Walsing., p. 61; Heming, vol. 1., pp. 42, 43, Trivet, p. 277.



with the two queens; Philip solemnly promised to execute his part of it; and the king's citation to appear in the court of France was accordingly recalled; but the French monarch was no sooner put in possession of Guienne than the citation was renewed; Edward was condemned for non-appearance; and Guienne, by a formal sentence, was declared to be forfeited and annexed to the crown.<sup>1</sup>

Edward, fallen into a like snare with that which he himself had spread for the Scots, was enraged; and the more so, as he was justly ashamed of his own conduct in being so egregiously overreached by the court of France. Sensible of the extreme difficulties which he should encounter in the recovery of Gascony, where he had not retained a single place in his hands, he endeavoured to compensate that loss by forming alliances with several princes, who, he projected, should attack France on all quarters, and make a diversion of her forces. Adolphus de Nassau, king of the Romans, entered into a treaty with him for that purpose (Heming, vol. i, p. 51); as did also Amadeus, Count of Savoy, the Archbishop of Cologne, the Counts of Gueldre and Luxembourg, the Duke of Biabant, and Count of Barre, who had married his two daughters, Margaret and Eleanor, but these alliances were extremely burdensome to his narrow revenues, and proved in the issue entirely ineffectual. More impression was made on Guienne by an English army, which he completed by emptying the jails of many thousand thieves and robbers who had been confined there for their crimes. So low had the profession of arms fallen, and so much had it degenerated from the estimation in which it stood during the vigour of the feudal system!

The king himself was (A.D. 1295) detained in England, first by contrary winds (Chron. Dunst., vol. ii, p. 622), then by his apprehensions of a Scottish invasion, and by a rebellion of the Welsh, whom he repressed and brought again under subjection.<sup>2</sup> The army which he sent to Guienne was commanded by his nephew, John de Bretagne, Earl of Richmond, and under him by St. John, Tibetot, De Vere, and other officers of reputation (Trivet, p. 279), who made themselves masters of the town of Bayonne, as well as of Bourg, Blaye, Reole, St. Severe, and other places, which straitened Bourdeaux, and cut off its communication both by sea and land. The favour which the Gascon nobility bore to the English government facilitated these conquests, and seemed to promise still greater successes; but this advantage was soon lost by the misconduct of some of the officers. Philip's brother, Charles de Valois, who commanded the French armies, having laid siege to Podensac, a small fortress near Reole, obliged Giffard, the governor, to capitulate; and the articles, though favourable to the English, left all the Gascons prisoners at discretion, of whom about fifty were hanged by Charles as rebels: a policy by which he both intimidated that people and produced an irreparable breach between them and the English (Heming, vol. i, p. 49). That prince immediately attacked Reole, where the Earl of Richmond himself commanded; and as the place seemed not tenable, the English general drew his troops to the water side, with an intention of embarking with the

<sup>1</sup> Rymer, vol. ii, pp. 620, 622; Walsing., p. 62; Trivet, p. 278.

<sup>2</sup> Walsing., p. 62; Heming, vol. i, p. 55; Trivet, p. 282; Chron. Dunst., vol. ii, p. 622.

greater part of the army. The enraged Gascons fell upon his rear, and at the same time opened their gates to the French, who, besides making themselves masters of the place, took many prisoners of distinction. St Severe was more vigorously defended by Hugh de Vere, son of the Earl of Oxford, but was at last obliged to capitulate. The French king, not content with these successes in Gascony, threatened England with an invasion; and, by a sudden attempt, his troops took and burnt Dover (Trivet, p. 284; Chron. Dunst., vol. II, p. 642), but were obliged soon after to retire. And in order to make a greater diversion of the English force, and engage Edward in dangerous and important wars, he formed a secret alliance with John Baliol, King of Scotland; the commencement of that strict union, which, during so many centuries, was maintained by mutual interests and necessities, between the French and Scottish nations. John confirmed this alliance by stipulating a marriage between his eldest son and the daughter of Char. de Valois.<sup>1</sup>

The expenses attending these multiplied wars of Edward, and his preparations for war, joined to alterations which had insensibly taken place in the general state of affairs, obliged him to have frequent recourse to parliamentary supplies, introduced the lower orders of the state into the public councils, and laid the foundations of great and important changes in the government.

Though nothing could be worse calculated for cultivating the arts of peace, or maintaining peace itself, than the long subordination of vassalage from the king to the meanest gentleman, and the consequent slavery of the lower people, evils inseparable from the feudal system; that system was never able to fix the state in a proper warlike posture, or give it the full exertion of its power for defence, and still less for offence, against a public enemy. The military tenants, unacquainted with obedience, unexperienced in war, held a rank in the troops by their birth, not by their merits or services; composed a disorderly, and consequently a feeble army; and during the few days, which they were obliged by their tenures to remain in the field, were often more formidable to their own prince than to foreign powers, against whom they were assembled. The sovereigns came gradually to disuse this cumbersome and dangerous machine, so apt to recoil upon the hand which held it; and exchanging the military service for pecuniary supplies, enlisted forces by means of a contract with particular officers (such as those the Italians denominate *condottieri*), whom they dismissed at the end of the war (Cotton's Abr., p. 11). The barons and knights themselves often entered into these engagements with the prince; and were enabled to fill their bands, both by the authority which they possessed over their vassals and tenants, and from the great numbers of loose, disorderly people, whom they found on their estates, and who willingly embraced an opportunity of gratifying their appetite for war and rapine.

Meanwhile, the old Gothic fabric, being neglected, went gradually to decay. Though the conqueror had divided all the lands of England into sixty thousand knights' fees, the number of these was insensibly diminished by various artifices; and the king at last found, that, by putting the law in execution, he could assemble a small part only of

<sup>1</sup> Rymer, vol. II, pp. 680, 681, 695, 697. Hemming., vol. I, p. 76; Trivet, p. 285.

the ancient force of the kingdom. It was a usual expedient for men, who held of the king or great barons by military tenure, to transfer their land to the Church, and receive it back by another tenure, called *frankalmoigne*, by which they were not bound to perform any service (Madox's *Baron Anglica*, p. 114). A law was made against this practice, but the abuse had probably gone far before it was attended to, and probably was not entirely corrected by the new statute, which, like most laws of that age, we may conjecture to have been but feebly executed by the magistrate against the perpetual interest of so many individuals. The constable and mareschal, when they mustered the armies, often, in a hurry, and for want of better information, received the service of a baron for fewer knights' fees than were due by him; and one precedent of this kind was held good against the king, and became ever after a reason for diminishing the service (Madox's *Baion Anglica*, p. 115). The rolls of knights' fees were inaccurately kept; no care was taken to correct them before the armies were summoned into the field,<sup>1</sup> it was then too late to think of examining records and charters, and the service was accepted on the footing which the vassal himself was pleased to acknowledge, after all the various subdivisions and conjunctions of property had thrown an obscurity on the nature and extent of his tenure (Madox's *Bar Ang.*, p. 116). It is easy to judge of the intricacies which would attend disputes of this kind with individuals, when even the number of military fees, belonging to the Church, whose property was fixed and unalienable, became the subject of controversy; and we find in particular, that, when the Bishop of Durham was charged with seventy knights' fees for the aid levied on occasion of the marriage of Henry II.'s daughter to the Duke of Saxony, the prelate acknowledged ten, and disowned the other sixty (*Ibid* p. 122; *Hist. of Exch.*, p. 404). It is not known in what manner this difference was terminated; but had the question been concerning an armament to defend the kingdom, the bishop's service would probably have been received without opposition for ten fees; and this rate must also have fixed all his future payments. Pecuniary scutages, therefore, diminished as much as military services,<sup>2</sup> other methods of filling the exchequer, as well as the armies, must be devised; new situations produced new laws and institutions; and the great alterations in the finances and military power of the crown, as well as in private property, were the source of equal innovations in every part of the legislature or civil government.

The exorbitant estates, conferred by the Norman on his barons and chieftains, remained not long entire and unimpaired. The landed property was gradually shared out into more hands; and those immense baronies were divided, either by provisions to younger children, by partitions among co-heirs, by sale, or by escheating to the king, who gratified a great number of his courtiers, by dealing them out

<sup>1</sup> We hear only of one king, Henry II., who took this pains, and the record, called *Liber niger Scaccarii*, was the result of it.

<sup>2</sup> In order to pay the sum of 100,000 marks, as King Richard's ransom, twenty shillings were imposed on each knight's fee. Had the fees remained on the original footing, as settled by the Conqueror, this scutage would have amounted to 90,000 marks, which was nearly the sum required, but we find that other grievous taxes were imposed to complete it; a certain proof that many frauds and abuses had prevailed in the roll of knights' fees.

among them in smaller portions. Such moderate estates, as they required economy, and confined the proprietors to live at home, were better calculated for duration; and the order of knights and small barons grew daily more numerous, and began to form a very respectable rank or order in the state. As they were all immediate vassals of the crown by military tenure, they were, by the principles of the feudal law, equally entitled with the greatest barons to a seat in the national or general councils; and this right, though regarded as a privilege, which the owners would not entirely relinquish, was also considered as a burden, which they desired to be subjected to on extraordinary occasions only. Hence it was provided in the charter of King John, that, while the great barons were summoned to the national council by a particular writ, the small barons, under which appellation the knights were also comprehended, should only be called by a general summons of the sheriff. The distinction between great and small barons, like that between rich and poor, was not exactly defined; but, agreeably to the inaccurate genius of that age, and to the simplicity of ancient government, was left very much to be determined by the discretion of the king and his ministers. It was usual for the prince to require, by a particular summons, the attendance of a baron in one parliament, and to neglect him in future parliaments,<sup>1</sup> nor was this uncertainty ever complained of as an injury. He attended when required; he was better pleased, on other occasions, to be exempted from the burden; and as he was acknowledged to be of the same order with the greatest barons, it gave them no surprise to see him take his seat in the great council, whether he appeared of his own accord, or by a particular summons from the king. The barons by 'Writ,' therefore, began gradually to intermix themselves with the barons by 'Tenure,' and, as Camden tells us (*In Britannia*, p. 122), from an ancient manuscript, now lost, that, after the battle of Evesham, a positive law was enacted, prohibiting every baron from appearing in parliament who was not invited thither by a particular summons, the whole baronage of England held thenceforward their seat by writ, and this important privilege of their tenures was in effect abolished. Only, where writs had been regularly continued for some time in one family, the omission of them would have been regarded as an affront, and even as an injury.

A like alteration gradually took place in the order of earls, who were the highest rank of barons. The dignity of an earl, like that of a baron, was anciently territorial and official (*Spelm Gloss.*, in voce *Comes*), he exercised jurisdiction within his county; he levied the third of the fines to his own profit, he was at once a civil and a military magistrate, and though his authority from the time of the Norman conquest was hereditary in England, the title was so much connected with the office, that, where the king intended to create a new earl, he had no other expedient than to erect a certain territory into a county or earldom, and to bestow it upon the person and his family.<sup>2</sup> But as the sheriffs, who were the vicegerents of the earls, were named by the king, and removable at pleasure, he found them more dependent upon him, and

<sup>1</sup> Chancellor West's Inquiry into the Manner of Creating Peers, pp. 43, 46, 47, 55.

<sup>2</sup> Essays on British Antiquities. This practice, however, seems to have been more familiar in Scotland and the kingdoms on the continent than in England.

endeavoured to throw the whole authority and jurisdiction of the office into their hands. This magistrate was at the head of the finances, and levied all the king's rents within the county: he assessed at pleasure the tallages of the inhabitants in royal demesne: he had usually committed to him the management of wards, and often of escheats: he presided in the lower courts of judicature. and thus, though inferior to the earl in dignity, he was soon considered, by this union of the judicial and fiscal powers, and by the confidence reposed in him by the king, as much superior to him in authority, and undermined his influence within his own jurisdiction.<sup>1</sup> It became usual, in creating an earl, to give him a fixed salary, commonly about twenty pounds a year, in lieu of his third of the fines. the diminution of his power kept pace with the retrenchment of his profit: and the dignity of earl, instead of being territorial and official, dwindled into personal and titular. Such were the mighty alterations which already had fully taken place, or were gradually advancing, in the house of peers, that is, in the parliament, for there seems anciently to have been no other house.

But though the introduction of barons by writ, and of titular earls, had given some increase to royal authority, there were other causes which counterbalanced those innovations, and tended in a higher degree to diminish the power of the sovereign. The disuse into which the feudal militia had in a great measure fallen, made the barons almost entirely forget their dependence on the crown: by the diminution of the number of knights' fees, the king had no reasonable compensation when he levied scutages, and exchanged their service for money. the alienations of the crown lands had reduced him to poverty: and, above all, the concession of the Great Charter had set bounds to royal power, and had rendered it more difficult and dangerous for the prince to exert any extraordinary act of arbitrary authority. In this situation it was natural for the king to court the friendship of the lesser barons and knights, whose influence was no ways dangerous to him, and who, being exposed to oppression from their powerful neighbours, sought a legal protection under the shadow of the throne. He desired, therefore, to have their presence in parliament, where they served to control the turbulent resolutions of the great. To exact a regular attendance of the whole body would have produced confusion, and would have imposed too heavy a burden upon them. To summon only a few by writ, though it was practised, and had a good effect, served not entirely the king's purpose, because these members had no farther authority than attended their personal character, and were eclipsed by the appearance of the more powerful nobility. He therefore dispensed with the attendance of most of the lesser barons in parliament; and in return for this indulgence (for such it was then esteemed), required them to choose in each county a certain number of their own body, whose charges they bore, and who, having gained the confidence, carried with them, of course, the authority of the whole order. This expedient had been practised at different times, in the reign of Henry III.,<sup>2</sup> and regularly during that of the present king. The numbers sent up by

<sup>1</sup> There are instances of princes of the blood who accepted of the office of sheriff. Spelman in voce *Vicescomes*.

<sup>2</sup> Rot. Claus., 38 Hen. III., m. 7, and 42 d.: also Rot. Claus., 42 Hen. III., m. 1 d. Prynn's Pref. to Cotton's Abridg.

each county varied at the will of the prince (Brady's Ans. to Petyt, from the records, p 151); they took their seat among the peers, because by their tenure they belonged to that order (Brady's Treat. of Boros, App. No. 13)· the introducing of them into that house scarcely appeared an innovation; and though it was easily in the king's power, by varying their number, to command the resolutions of the whole parliament, this circumstance was little attended to in an age when force was more prevalent than laws, and when a resolution, though taken by the majority of a legal assembly, could not be executed if it opposed the will of the more powerful minority.

But there were other important consequences which followed the diminution and consequent disuse of the ancient feudal militia. The king's expense in levying and maintaining a military force for every enterprise was increased beyond what his narrow revenues were able to bear as the scutages of his military tenants, which were accepted in lieu of their personal service, had fallen to nothing, there were no means of supply but from voluntary aids granted him by the parliament and clergy; or from the tallages which he might levy upon the towns and inhabitants in royal demesne. In the preceding year, Edward had been obliged to exact no less than a sixth of all moveables from the laity, and a moiety of ecclesiastical benefices<sup>1</sup> for his expedition into Poitou, and the suppression of the Welsh, and this distressful situation, which was likely often to return upon him and his successors, made him think of a new device, and summon the representatives of all the boroughs to parliament. This period, which is the twenty-third of his reign, seems to be the real and true epoch of the house of commons, and the faint dawn of popular government in England. For the representatives of the counties were only deputies from the smaller barons and lesser nobility, and the former precedent of representatives from the boroughs, who were summoned by the Earl of Leicester, was regarded as the act of a violent usurpation, had been discontinued in all the subsequent parliaments; and if such a measure had not become necessary on other accounts, that precedent was more likely to blast, than give credit to it.

During the course of several years, the kings of England, in imitation of other European princes, had embraced the salutary policy of encouraging and protecting the lower and more industrious orders of the state; whom they found well disposed to obey the laws and civil magistrate, and whose ingenuity and labour furnished commodities, requisite for the ornament of peace, and support of war. Though the inhabitants of the county were still left at the disposal of their imperious lords, many attempts were made to give more security and liberty to citizens, and make them enjoy, unmolested, the fruits of their industry. Boroughs were erected by royal patent within the demesne lands; liberty of trade was conferred upon them; the inhabitants were allowed to farm at a fixed rent their own tolls and customs (Madox, Firma Burgi, p 21); they were permitted to elect their own magistrates; justice was administered to them by these magistrates without obliging them to attend the sheriff or county court; and some shadow of independence, by means of these equitable privileges, was

<sup>1</sup> Brady's Treat. of Boros, p 37, from the records, Heming., vol 1, p 52, M. West., p. 422; Ryley, p. 462.

gradually acquired by the people (Brady of Boros., App. Nos. 1, 2, 3). The king, however, retained still the power of levying talliages or taxes upon them at pleasure;<sup>1</sup> and though their poverty, and the customs of the age, made these demands neither frequent nor exorbitant, such unlimited authority in the sovereign was a sensible check upon commerce, and was utterly incompatible with all the principles of a free government. But when the multiplied necessities of the crown produced a greater avidity for supply, the king, whose prerogative entitled him to exact it, found that he had not power sufficient to enforce his edicts, and that it was necessary, before he imposed taxes, to smooth the way for his demand, and to obtain the previous consent of the boroughs, by solicitations, remonstrances, and authority. The inconvenience of transacting this business with every particular borough was soon felt; and Edward became sensible that the most expeditious way of obtaining supply was to assemble the deputies of all the boroughs, to lay before them the necessities of the state, to discuss the matter in their presence, and to require their consent to the demands of their sovereign. For this reason he issued writs to the sheriffs, enjoining them to send to parliament, along with two knights of the shire, two deputies from each borough within their county (writs were issued to about 120 cities and boroughs), and these provided with sufficient powers from their community, to consent, in their name, to what he and his council should require of them. 'As it is a most equitable rule,' says he, in his preamble to this writ, 'that whatever concerns all should be approved of by all, and common dangers be repelled by united efforts.'<sup>2</sup> A noble principle, which may seem to indicate a liberal mind in the king, and which laid the foundation of a free and equitable government.

After the election of these deputies, by the aldermen and common council, they gave sureties for their attendance before the king and parliament. Their charges were respectively borne by the borough which sent them; and they had so little idea of appearing as legislators, a character extremely wide of their low rank and condition,<sup>3</sup> that no intelligence could be more disagreeable to any borough, than to find that they must elect, or to any individual than that he was elected to a trust from which no profit or honour could possibly be derived (Brady of Boros, pp 59, 60). They composed not, properly speaking, any essential part of the parliament, they sat apart both from the barons and knights,<sup>4</sup> who disdained to mix with such mean personages; after they had given their consent to the taxes required of them, their business being then finished, they separated, even though the parlia-

<sup>1</sup> The king had not only the power of talliating the inhabitants within his own demesnes, but that of granting to particular barons the power of talliating the inhabitants within theirs. Brady's Ans. to Petyt, p 118, Madox's Hist of Excheq, p 518.

<sup>2</sup> Brady of Boros, pp 25, 33, from the records. The writs of the parliament, immediately preceding, remain, and the return of knights is there required, but not a word of the boroughs; a demonstration that this was the very year in which they commenced. In the year immediately preceding, the taxes were levied by a seeming free consent of each particular borough, beginning with London. Ibid, pp. 31, 32, 33, from the records. Also Ans to Petyt, pp 40, 47.

<sup>3</sup> Reliquia Spelm., p 64, Prynne's Pref to Cotton's Abridg and the Abridg. passim.

<sup>4</sup> Ibid., pp 37, 38, from the records, and Append, p 19. Also Append to Ans to Petyt Record. And Gloss in verb *Communitas Regni*, p 32.

ment still continued to sit, and to canvass the national business;<sup>1</sup> and as they all consisted of men, who were real burgesses of the place from which they were sent, the sheriff, when he found no person of abilities or wealth sufficient for the office, often used the freedom of omitting particular boroughs in his returns; and as he received the thanks of the people for this indulgence, he gave no displeasure to the court, who levied on all the boroughs, without distinction, the tax agreed to by the majority of deputies.<sup>2</sup>

The union, however, of the representatives from the boroughs gave gradually more weight to the whole order, and it became customary for them, in return for the supplies which they granted, to prefer petitions to the crown for the redress of any particular grievance, of which they found reason to complain. The more the king's demands multiplied, the faster these petitions increased both in number and authority; and the prince found it difficult to refuse men, whose grants had supported his throne, and to whose assistance he might so soon be again obliged to have recourse. The commons however were still much below the rank of legislators.<sup>3</sup> Their petitions, though they received a verbal assent from the throne, were only the rudiments of laws, the judges were afterwards entrusted with the power of putting them into form; and the king, by adding to them the sanction of his authority, and that sometimes without the assent of the nobles, bestowed validity upon them. The age did not refine so much as to perceive the danger of these irregularities. No man was displeased that the sovereign, at the desire of any class of men, should issue an order which appeared only to concern that class, and his predecessors were so near possessing the whole legislative power that he gave no disgust by assuming it in this seemingly inoffensive manner. But time and farther experience gradually opened men's eyes, and corrected these abuses. It was found that no laws could be fixed for one order of men, without affecting the whole, and that the force and efficacy of laws depended entirely on the terms employed in voicing them. The house of peers, therefore, the most powerful order in the state, with reason, expected that their assent should be expressly granted to all public ordinances,<sup>4</sup> and in the reign of Henry V. the commons re-

<sup>1</sup> Ryley's *Placit Parl*, pp 241, 242, etc; Cotton's *Abridg*, p 14.

<sup>2</sup> Brady of Boros, p 32, from the records. There is even an instance in the reign of Edward III. when the king named all the deputies—*Ibid*, Ans to Petyt, p. 161. If he fairly named the most considerable and creditable burgesses, little exception would be taken; as their business was not to check the king, but to reason with him, and consent to his demands. It was not till the reign of Richard II. that the sheriffs were deprived of the power of omitting boroughs at pleasure. Stat at Large, 5th Richard II., cap iv.

<sup>3</sup> Throughout the reign of Edw. I. the assent of the commons is not once expressed in any of the enacting clauses, nor in the reigns ensuing, till the 9 Edw. III., nor in any of the enacting clauses of 16 Rich. II. Nay even so low as Hen. VI., from the beginning till the 8th of his reign, the assent of the commons is not once expressed in any enacting clause. Pref. to Ruffhead's edit of the Statutes, p 7. If it should be asserted this very omission, proceeding, if you will, from carelessness, is a proof how little they were respected, the commons were so little accustomed to transact public business, that they had no speaker till after the parliament 6th Edw. III. (Prynne's Pref to Cotton's *Abridg*) not till the 1st of Richard II. in the opinion of most antiquaries. The commons were very unwilling to meddle in any state affairs, and commonly either referred themselves to the lords, or desired a select committee of that house to assist them, as appears from Cotton, 5 E. III., n 5, 15 E. III., n. 27, 21 E. III., n 5, 47 E. III., n 5; 50 E. III., n 10, 51 E. III., n 18; 1 R. II., n. 12, 2 R. II., n. 12, 5 R. II., n. 14, 2 parli, 6 R. II., n. 14, 2 parli, 6 R. II., n 8, etc.

<sup>4</sup> In those instances found in Cotton's *Abridg.*, where the king appears to answer of himself



quired that no laws should be framed merely upon their petitions, unless the statutes were worded by themselves, and had passed their house in the form of a bill (Brady's Answer to Petyt, p. 85, from the records).

But as the same causes which had produced a partition of property continued still to operate, the number of knights and lesser barons, or what the English call the gentry, perpetually increased, and they sunk into a rank still more inferior to the great nobility. The equality of tenure was lost in the great inferiority of power and property; and the house of representatives from the counties was gradually separated from that of the peers, and formed a distinct order in the state (Cotton's Abridg, p. 13). The growth of commerce, meanwhile, augmented the private wealth and consideration of the burgesses, the frequent demands of the crown increased their public importance; and as they resembled the knights of shires in one material circumstance, that of representing particular bodies of men, it no longer appeared unsuitable to unite them together in the same house, and to confound their rights and privileges.<sup>1</sup> Thus the third estate, that of the commons, reached at last its present form; and as the country gentlemen made thenceforwards no scruple of appearing as deputies from the boroughs, the distinction between the members was entirely lost, and the lower house acquired thence a great accession of weight and importance in the kingdom. Still, however, the office of this estate was very different from that which it has since exercised with so much advantage to the

the petitions of the commons, he probably exerted no more than that power which was long inherent in the crown, of regulating matters by royal edicts or proclamation. But no durable or general statute seems ever to have been made by the king from the petition of the commons alone, without the assent of the peers. It is more likely that the peers alone, without the commons, would enact statutes.

<sup>1</sup> It was very agreeable to the maxims of all the feudal governments, that every order of the state should give their consent to the acts which more immediately concerned them, and as the notion of a political system was not then so well understood, the other orders of the state were often not consulted on these occasions. In this reign even the merchants, though no public body, granted the king impositions on merchandise, because the first payments came out of their pockets. They did the same in the reign of Edw. III., but the commons had then observed that the people paid these duties, though the merchants advanced them; and they therefore remonstrated against this practice—Cotton's Abridg, p. 39. The taxes imposed by the knights on the counties were always lighter than those which the burgesses laid on the boroughs, a presumption, that in voting those taxes the knights and burgesses did not form the same house—Chancellor West's Inquiry into the Manner of Creating Peers, p. 8. But there are so many proofs that those two orders of representatives were long separate, that it is needless to insist on them. Mr Carte, who had carefully consulted the rolls of parliament, affirms that they never appear to have been united till the 16th of Edw. III.—Hist., vol. II, p. 451. But it is certain that this union was not even then final; in 1372, the burgesses acted by themselves, and voted a tax after the knights were dismissed—Lytrel, Hist., vol. II, p. 734, from Rot. Claus. 46 Edw. III., n. 9. In 1376 they were the knights alone who passed a vote for the removal of Alice Pierce from the king's person, if we may credit Walsingham, p. 189. There is an instance of a like kind in the reign of Rich. II.—Cotton, p. 193. The different taxes voted by these two branches of the lower house naturally kept them separate, but as their petitions had mostly the same object, namely, the redress of grievances, and the support of law and justice, both against the crown and the barons, this cause as naturally united them, and was the reason why they at last joined in one house, for the dispatch of business. The barons had few petitions. Their privileges were of more ancient date, grievances seldom affected them; they were themselves the chief oppressors. In 1333, the knights by themselves concurred with the bishops and barons in advising the king to stay his journey into Ireland. Here was a petition which regarded a matter of state, and was supposed to be above the capacity of the burgesses. The knights, therefore, acted apart in this petition—Cotton, Abridg, p. 13. Chief Baron Gilbert thinks, that the reason why taxes always began with the commons or burgesses was, that they were limited by the instructions of their boroughs—Hist. of Excheq., p. 37.

public. Instead of checking and controlling the authority of the king, they were naturally induced to adhere to him, as the great fountain of law and justice, and to support him against the power of the aristocracy, which at once was the source of oppression to themselves, and disturbed him in the execution of the laws. The king, in his turn, gave countenance to an order of men so useful and so little dangerous. the peers also were obliged to pay them some consideration and by this means the third estate, formerly so abject in England, as well as in all other European nations, rose by slow degrees to their present importance; and in their progress made arts and commerce, the necessary attendants of liberty and equality, flourish in the kingdom<sup>1</sup>

What sufficiently proves, that the commencement of the house of burgesses, who are the true commons, was not an affair of chance, but arose from the necessities of the present situation is, that Edward at the very same time summoned deputies from the inferior clergy, the first that ever met in England,<sup>2</sup> and he required them to impose taxes on their constituents for the public service. Formerly the ecclesiastical benefices bore no part of the burdens of the state. the Pope indeed of late had often levied impositions upon them he had sometimes granted this power to the sovereign;<sup>3</sup> the king himself had, in the preceding year, exacted, by menaces and violence, a very grievous tax

<sup>1</sup>The chief argument from ancient authority for the opinion that the representation of boroughs preceded the 49th of Hen. III., is the famous petition of the borough of St. Albans, first taken notice of by Selden, and then by Petyt, Brady, Tyrrel, and others. In this petition, presented to parliament in the reign of Edw. II., the town of St. Albans asserts that though they held *in capite* of the crown, and owed only for all other service, their attendance in parliament, yet the sheriff had omitted them in his writs, whereas both in the reign of the king's father, and all his predecessors, they had always sent members. Now, say the defenders of this opinion, if the commencement of the house of commons were in Hen. III.'s reign, this expression could not have been used. But Madox, Hist. of Exch., pp. 522, 523, 524, has endeavoured, and with great reason, to destroy the authority of this petition, for the purpose alleged. He asserts first, That there was no such tenure in England as that of holding by attendance in parliament, instead of all other service. Secondly, That the borough of St. Albans never held of the crown at all, but was always demesne land of the abbot. It is no wonder, therefore, that a petition which advances two falsehoods should contain one historical mistake, which indeed amounts only to an inaccurate and exaggerated expression, no strange matter in ignorant burgesses of that age. Accordingly St. Albans continued still to belong to the abbot. It never held of the crown till after the dissolution of the monasteries. But the assurance of these petitioners is remarkable. They wanted to shake off the authority of their abbot, and to hold of the king, but were unwilling to pay any services even to the crown upon which they framed this idle petition, which later writers have made the foundation of so many inferences and conclusions. From the tenor of the petition it appears that there was a close connection between holding of the crown, and being represented in parliament, the latter had scarcely ever place without the former, yet we learn from Tyrrel's Append., vol. iv., that there were some instances to the contrary. It is not improbable that Edward followed the roll of the Earl of Leicester, who had summoned, without distinction, all the considerable boroughs of the kingdom, among which there might be some few that did not hold of the crown. Edward also found it necessary to impose taxes on all the boroughs in the kingdom without distinction. This was a good expedient for augmenting his revenue. We are not to imagine, because the house of commons have since become of great importance, that the first summoning of them would form any remarkable and striking epoch, and be generally known to the people even seventy or eighty years after. So ignorant were the generality of men in that age, that country burgesses would readily imagine an innovation, seemingly so little material, to have existed from time immemorial, because it was beyond their own memory, and perhaps that of their fathers. Even the parliament in the reign of Henry V. say, that Ireland had, from the beginning of time, been subject to the crown of England. (See Brady.) And surely, if anything interests the people above all others, it is war and conquests, with their dates and circumstances.

<sup>2</sup>Abp. Wake's, State of the Church of England, p. 235, Brady of Boros., p. 34, Gilbert's Hist. of Exch., p. 46

<sup>3</sup>Ann. Waverl., pp. 227, 228, T. Wykes, pp. 99, 120.

of half the revenues of the clergy; but as this precedent was dangerous, and could not easily be repeated in a government which required the consent of the subject to any extraordinary resolution, Edward found it more prudent to assemble a lower house of convocation, to lay before them his necessities, and to ask some supply. But on this occasion he met with difficulties. Whether that the clergy thought themselves the most independent body in the kingdom, or were disgusted by the former exorbitant impositions, they absolutely refused their assent to the king's demand of a fifth of their movables, and it was not till a second meeting, that, on their persisting in this refusal, he was willing to accept of a tenth. The barons and knights granted him, without hesitation, an eleventh; the burgesses a seventh. But the clergy still scrupled to meet on the king's writ; lest by such an instance of obedience they should seem to acknowledge the authority of the temporal power; and this compromise was at last fallen upon, that the king should issue his writ to the archbishop, and that the archbishop should in consequence of it summon the clergy, who, as they then appeared to obey their spiritual superior, no longer hesitated to meet in convocation. This expedient, however, was the cause why the ecclesiastics were separated into two houses of convocation under their several archbishops, and formed not one estate, as in other countries of Europe; which was at first the king's intention (Gilbert's Hist. of Exch., p. 51, 54). We now return to the course of our narration.

Edward, conscious of the reasons of disgust which he had given to the King of Scots, informed of the dispositions of that people, and expecting the most violent effects of their resentment, which he knew he had so well merited, employed the supplies, granted him by his people, in making preparations against the hostilities of his northern neighbour. When in this situation, he received intelligence of the treaty secretly concluded between John and Philip, and though uneasy at this concurrence of a French and Scottish war, he resolved not to encourage his enemies by a pusillanimous behaviour, or by yielding to their united efforts. He summoned John to perform the duty of a vassal, and to send him a supply of forces against an invasion from France, with which he was then threatened: he next required, that the fortresses of Berwick, Jedburgh, and Roxburgh, should be put into his hands as a security during the war.<sup>1</sup> he cited John to appear in an English parliament to be held at Newcastle: and when none of these successive demands were complied with, he marched northward with numerous forces, 30,000 foot and 4000 horse, to chastise his rebellious vassal. The Scottish nation, who had little reliance on the vigour and abilities of their prince, assigned him a council of twelve noblemen, in whose hands the sovereignty was really lodged (Heming, vol. 1., p. 75), and who put the country in the best posture of which the present distractions would admit. A great army, composed of 40,000 infantry, though supported only by 500 cavalry, advanced to the frontiers; and after a fruitless attempt upon Carlisle, marched eastwards to defend those provinces which Edward was preparing to attack. But some of the most considerable of the Scottish nobles, Robert Bruce the father and son, the Earls of March and Angus, prognosticating the ruin of their

<sup>1</sup> Rymer, vol. 11., p. 692; Walsing, p. 64; Heming, vol. 1., p. 84; Trivet, p. 286.

country, from the concurrence of intestine divisions and a foreign invasion, endeavoured here to ingratiate themselves with Edward, by an early submission; and the king encouraged by this favourable incident, led his army into the enemies' country, and (March 28) crossed the Tweed, without opposition, at Coldstream. He then received a message from John, by which that prince, having now procured, for himself and his nation, Pope Celestine's dispensation from former oaths, renounced the homage which had been done to England, and set Edward at defiance.<sup>1</sup> This bravado was but ill supported by the military operations of the Scots. Berwick was already taken by assault: Sir Will. Douglas, the governor, was made prisoner: above 7000 of the garrison were put to the sword. and Edward, elated by this great advantage, despatched Earl Warrenne with 12,000 men, to lay siege to Dunbar, which was defended by the flower of the Scottish nobility.

The Scots, sensible of the importance of this place, which, if taken, laid their whole country open to the enemy, advanced with their main army, under the command of the Earls of Buchan, Lenox, and Marre, in order to relieve it. Warrenne, not dismayed at the great superiority of their number, marched out (April 27) to give them battle. He attacked them with great vigour; and as undisciplined troops, when numerous, are but the more exposed to a panic upon any alarm, he soon threw them into confusion, and chased them off the field with great slaughter. The loss of the Scots is said to have amounted to 20,000 men; the castle of Dunbar, with all its garrison, surrendered next day to Edward, who, after the battle, had brought up the main body of the English, and who now proceeded with an assured confidence of success. The castle of Roxburgh was yielded by James, steward of Scotland; and that nobleman, from whom is descended the royal family of Stuart, was again obliged to swear fealty to Edward. After a feeble resistance, the castles of Edinburgh and Stirling opened their gates to the enemy. All the southern parts were instantly subdued by the English; and, to enable them the better to reduce the northern, whose inaccessible situation seemed to give them some more security, Edward sent for a strong reinforcement of Welsh and Irish, who, being accustomed to a desultory kind of war, were the best fitted to pursue the fugitive Scots into the recesses of their lakes and mountains. But the spirit of the nation was already broken by their misfortunes; and the feeble and timid Baliol, discontented with his own subjects, and overawed by the English, abandoned all those resources which his people might yet have possessed in this extremity. He hastened to make his submissions to Edward; he expressed the deepest penitence for his disloyalty to his liege lord; and he made a solemn and irrevocable resignation of his crown into the hands of that monarch.<sup>2</sup> Edward marched northwards to Aberdeen and Elgin, without meeting an enemy: no Scotchman approached him but to pay him submission and do him homage: even the turbulent Highlanders, ever refractory to their own princes, and averse to the restraint of laws, endeavoured to prevent the devastation of their country, by giving him early proofs of obedience: and Edward, having brought the whole

<sup>1</sup> Rymer, vol. 11., p. 607, Walsing., p. 66; Heming, vol. 1, p. 92

<sup>2</sup> Rymer, vol. 11., p. 718, Walsing., p. 67, Heming., vol. 1, p. 99, Tivet, p. 292.

kingdom to a seeming state of tranquillity, returned to the south with his army. There was a stone, to which the popular superstition of the Scots paid the highest veneration: all their kings were seated on it when they received the rite of inauguration; an ancient tradition assured them, that, wherever this stone was placed, their nation should always govern: and it was carefully preserved at Scone, as the true palladium of their monarchy, and their ultimate resource amidst all their misfortunes. Edward got possession of it; and carried it with him to England (Walsing., p. 68; Trivet, p. 299). He gave orders to destroy the records and all those monuments of antiquity which might preserve the memory of the independence of the kingdom, and refute the English claims of superiority. The Scots pretend that he also destroyed all the annals preserved in their convents: but it is not probable that a nation so rude and unpolished should be possessed of any history which deserves much to be regretted. The great seal of Baliol was broken, and that prince himself was carried prisoner to London, and committed to custody in the Tower. Two years after, he was restored to liberty, and submitted to a voluntary banishment in France, where, without making any further attempts for the recovery of his royalty, he died in a private station. Earl Warrenne was left governor of Scotland (Rymer, vol. ii, p. 726; Trivet, p. 295), Englishmen were entrusted with the chief offices, and Edward, flattering himself that he had attained the end of all his wishes, and that the numerous acts of fraud and violence which he had practised against Scotland, had terminated in the final reduction of that kingdom, returned with his victorious army into England.

An attempt which he made about the same time for the recovery of Guienne, was not equally successful. He sent there an army of 7000 men, under the command of his brother, the Earl of Lancaster. That prince gained at first some advantages over the French at Bourdeaux, but he was soon after seized with a distemper, of which he died at Bayonne. The command devolved on the Earl of Lincoln, who was not able to perform anything considerable during the rest of the campaign (Heming, vol. i., p. 72, 73, 74).

But the active and ambitious spirit of Edward, while his conquests brought such considerable accessions to the English monarchy, could not be satisfied, so long as Guienne, the ancient patrimony of his family was wrested from him by the dishonest artifices of the French monarch. Finding that the distance of that province rendered all his efforts against it feeble and uncertain, he purposed to attack France in a quarter where she appeared more vulnerable; and with this view he married his daughter Elizabeth to John, Earl of Holland, and at the same time contracted an alliance with Guy, Earl of Flanders, stipulated to pay him the sum of 75,000*l.*, and projected an invasion with their united forces upon Philip, their common enemy (Rymer, vol. ii., p. 761; Walsing., p. 68). He hoped that when he himself, at the head of the English, Flemish, and Dutch armies, reinforced by his German allies, to whom he had promised or remitted considerable sums, should enter the frontiers of France, and threaten the capital itself, Philip would at last be obliged to relinquish his acquisitions, and purchase peace by the restitution of Guienne. But, in order to set this great machine in

movement, considerable supplies were requisite from the parliament; and Edward without much difficulty obtained from the barons and knights a new grant of a twelfth of all their movables, and from the boroughs that of an eighth. The great and almost unlimited power of the king over the latter, enabled him to throw the heavier part of the burden on them; and the prejudices which he seems always to have entertained against the Church, on account of the former zeal of the clergy for the Mountfort faction, made him resolve to load them with still more considerable impositions, and he required of them a fifth of their movables. But he here met with an opposition which for some time disconcerted all his measures, and engaged him in enterprises that were somewhat dangerous to him, and would have proved fatal to any of his predecessors.

Boniface VIII., who had succeeded Celestine in the papal throne, was a man of the most lofty and enterprising spirit; and, though not endowed with that severity of manners which commonly accompanies ambition in men of his order, he was determined to carry the authority of the tiara, and his dominion over the temporal power, to as great a height as it had ever attained in any former period. Sensible that his immediate predecessors, by oppressing the Church in every province of Christendom, had extremely alienated the affections of the clergy, and had afforded the civil magistrate a pretence for laying like impositions on ecclesiastical revenues, he attempted to resume the former station of the sovereign pontiff, and to establish himself as the common protector of the spiritual order against all invaders. For this purpose he issued very early in his pontificate a general bull, prohibiting all princes from levying, without his consent, any taxes upon the clergy, and all clergymen from submitting to such impositions, and he threatened both of them with the penalties of excommunication in case of disobedience (Rymer, vol. ii., p. 706; Heming, vol. i., p. 104). This important edict is said to have been procured by the solicitation of Robert de Winchelsey, Archbishop of Canterbury, who intended to employ it as a rampart against the violent extortions which the Church had felt from Edward, and the still greater which that prince's multiplied necessities gave them reason to apprehend. When a demand therefore was made on the clergy of a fifth of their movables, a tax which was probably much more grievous than a fifth of their revenue, as their lands were mostly stocked with their cattle and cultivated by their villains; the clergy took shelter under the bull of Pope Boniface, and pleaded conscience in refusing compliance.<sup>1</sup> The king came immediately to extremities on this repulse; but, after locking up their granaries and barns, and prohibiting all rent to be paid them, he appointed a new synod to confer with him upon his demand. The primate, not dismayed by these proofs of Edward's resolution, here plainly told him that the clergy owed obedience to two sovereigns, their spiritual and their temporal, but their duty bound them to a much stricter attachment to the former than to the latter, they could not comply with his commands (for such, in some measure, the requests of the crown were then deemed), in contradiction to the express prohibition of the sovereign pontiff (Heming, vol. i., p. 107).

<sup>1</sup> Heming, vol. i., p. 107, Trivet, p. 296, Chron. Dunst., vol. ii., p. 65a.

The clergy had seen, in many instances, that Edward paid little regard to those numerous privileges on which they set so high a value. He had (A D 1297) formerly seized, in an arbitrary manner, all the money and plate belonging to the churches and convents, and had applied them to the public service (Walsing., p. 65; Heming, vol. i., p. 51); and they could not but expect more violent treatment on this sharp refusal, grounded on such dangerous principles. Instead of applying to the Pope for a relaxation of his bull, he resolved immediately to employ the power in his hands, and he told the ecclesiastics, that since they refused to support the civil government, they were unworthy to receive any benefit from it; and he would accordingly put them out of the protection of the laws. This vigorous measure was immediately carried into execution (Walsing., p. 69; Heming, vol. i., p. 107). Orders were issued to the judges to receive no cause brought before them by the clergy, to hear and decide all causes in which they were defendants; to do every man justice against them, to do them justice against nobody (M. West, p. 429). The ecclesiastics soon found themselves in the most miserable situation imaginable. They could not remain in their own houses or convents for want of subsistence; if they went abroad in quest of maintenance, they were dismounted, robbed of their horses and clothes, abused by every ruffian, and no redress could be obtained by them for the most violent injury. The primate himself was attacked on the highway, was stripped of his equipage and furniture, and was at last reduced to board himself, with a single servant, in the house of a country clergyman (Heming, vol. i., p. 109). The king meanwhile remained an indifferent spectator of all these violences; and, without employing his officers in committing any immediate injury on the priests, which might have appeared invidious and oppressive, he took ample vengeance on them for their obstinate refusal of his demands. Though the archbishop issued a general sentence of excommunication against all who attacked the persons or property of ecclesiastics, it was not regarded; while Edward enjoyed the satisfaction of seeing the people become the voluntary instruments of his justice against them, and invite themselves to throw off that respect for the sacred order by which they had so long been overawed and so long governed.

The spirits of the clergy were at last broken by this harsh treatment. Besides, that the whole province of York, which lay nearest the danger that still hung over them from the Scots, voluntarily, from the first, voted a fifth of their movables; the Bishops of Salisbury, Ely, and some others, made a composition for the secular clergy within their dioceses, and they agreed not to pay the fifth, which would have been an act of disobedience to Boniface's bull, but to deposit a sum equivalent in some church appointed them, whence it was taken by the king's officers (Heming, vol. i., pp. 108, 109; Chron. Dunst., p. 653). Many particular convents and clergymen made payment of a like sum, and received the king's protection (Chron. Dunst., vol. ii., p. 654). Those who had not ready money, entered into recognisances for the payment. And there was scarcely found one ecclesiastic in the kingdom who seemed willing to suffer, for the sake of religious privileges, this new species of martyrdom, the most tedious and languishing of any,

the most mortifying to spiritual pride, and not rewarded by that crown of glory which the Church holds up with such ostentation to her devoted adherents.

But as the money granted by parliament, though considerable, was not sufficient to supply the king's necessities, and that levied by compositions with the clergy came in slowly, Edward was obliged, for the obtaining of further supply, to exert his arbitrary power, and to lay an oppressive hand on all orders of men in the kingdom. He limited the merchants in the quantity of wool allowed to be exported; and at the same time forced them to pay him a duty of forty shillings a sack, which was computed to be above the third of the value (Walsing., p. 69; Trivet, p. 296). He seized all the rest of the wool, as well as all the leather of the kingdom, into his hands, and disposed of these commodities for his own benefit (Heming., vol. i., pp. 52, 110). He required the sheriffs of each county to supply him with 2000 quarters of wheat, and as many of oats, which he permitted them to seize wherever they could find them; the cattle and other commodities necessary for supplying his army were laid hold of without the consent of the owners (Heming., vol. i., p. 111); and though he promised to pay afterwards the equivalent of all these goods, men saw but little probability that a prince who submitted so little to the limitations of law, could ever, amidst his multiplied necessities, be reduced to a strict observance of his engagements. He showed at the same time an equal disregard to the principles of feudal law, by which all the lands of his kingdom were held; in order to increase his army and enable him to support that great effort which he intended to make against France, he required the attendance of every proprietor of land possessed of twenty pounds a year, even though he held not of the crown, and was not obliged by his tenure to perform any such service (Walsingham, p. 69).

These acts of violence and of arbitrary power, notwithstanding the great personal regard generally borne to the king, bred murmurs in every order of men; and it was not long ere some of the great nobility, jealous of their own privileges as well as of national liberty, gave countenance and authority to these complaints. Edward assembled on the sea-coast an army, which he purposed to send over to Gascony, while he himself should in person make an impression on the side of Flanders; and he intended to put these forces under the command of Humphrey Bohun, Earl of Hereford, the constable, and Roger Bigod, Earl of Norfolk, the marshal of England. But these two powerful earls refused to execute his commands, and affirmed that they were only obliged by their office to attend his person in the wars. A violent altercation ensued; and the king, in the height of his passion, addressing himself to the constable, exclaimed, 'Sir earl, by God, you shall either go or hang.' 'By God, sir king,' replied Hereford, 'I will neither go nor hang' (Heming., vol. i., p. 112). And he immediately departed with the marshal and thirty other considerable barons.

Upon this opposition, the king laid aside the project of an expedition against Guenne, and assembled the forces which he himself purposed to transport into Flanders. But the two earls, irritated in the contest and elated by impunity, pretending that none of their ancestors had



ever served in that country, refused to perform the duty of their office in mustering the army (Rymer, vol. II, p. 783, Walsing., p. 70). The king, now finding it advisable to proceed with moderation, instead of attainting the earls, who possessed their dignities by hereditary right, appointed Thomas de Berkeley and Geoffrey de Geyneville, to act, in that emergence, as constable and mareschal (M. West., p. 430). He endeavoured to reconcile himself with the Church; took the primate again into favour (Heming, vol. I, p. 113); made him, in conjunction with Reginald de Grey, tutor to the prince, whom he intended to appoint guardian of the kingdom during his absence, and he even assembled a great number of the nobility in Westminster Hall, to whom he deigned to make an apology for his past conduct. He pleaded the urgent necessities of the crown; his extreme want of money, his engagements from honour as well as interest to support his foreign allies; and he promised, if ever he returned in safety, to redress all their grievances, to restore the execution of the laws, and to make all his subjects compensation for the losses which they had sustained. Meanwhile, he begged them to suspend their animosities; to judge of him by his future conduct, of which, he hoped, he should be more master, to remain faithful to his government, or if he perished in the present war, to preserve their allegiance to his son and successor (Heming., vol. I, p. 114; M. West., p. 430).

There were certainly, from the concurrence of discontents among the great, and grievances of the people, materials sufficient, in any other period, to have kindled a civil war in England; but the vigour and abilities of Edward kept every one in awe; and his dexterity, in stopping on the brink of danger, and retracting the measures to which he had been pushed by his violent temper and arbitrary principles, saved the nation from so great a calamity. The two great earls dared not to break out into open violence, they proceeded no further than framing a remonstrance, which was delivered to the king at Winchelsea, when he was ready to embark for Flanders. They there complained of the violations of the great charter and that of forests; the violent seizures of corn, leather, cattle, and above all, of wool, a commodity, which they affirmed to be equal in value to half the lands of the kingdom; the arbitrary imposition of forty shillings a sack on the small quantity of wool allowed to be exported by the merchants; and they claimed an immediate redress of all these grievances (Walsing., p. 72; Heming., vol. I, p. 115; Trivet, p. 302). The king told them that the greater parts of his council were now at a distance, and without their advice he could not deliberate on measures of so great importance (Walsing., p. 72; Heming., vol. I, p. 117; Trivet, p. 304).

But the constable and mareschal, with the barons of their party, resolved to take advantage of Edward's absence, and to obtain an explicit assent to their demands. When summoned to attend the parliament at London, they came with a great body of cavalry and infantry; and before they would enter the city, required that the gates should be put into their custody (Heming, vol. I, p. 138). The primate, who secretly favoured all their pretensions, advised the council to comply; and thus they became masters both of the young prince and of the resolutions of parliament. Their demands, however,

were moderate; and such as sufficiently justify the purity of their intentions in all their past measures; they only required, that the two charters should receive a solemn confirmation; that a clause should be added to secure the nation for ever against all impositions and taxes without consent of parliament; and that they themselves, and their adherents, who had refused to attend the king into Flanders, should be pardoned for the offence, and should be again received into favour.<sup>1</sup> The Prince of Wales and his council assented to these terms; and the charters were sent over to the king in Flanders to be there confirmed by him. Edward felt the utmost reluctance to this measure, which, he apprehended, would for the future impose fetters on his conduct, and set limits to his lawless authority. On various pretences he delayed three days giving any answer to the deputies; and when the pernicious consequences of his refusal were represented to him, he was at last obliged, after many internal struggles, to affix his seal to the charters, as also to the clause that bereaved him of the power which he had hitherto assumed of imposing arbitrary taxes upon the people. (Walsing., p. 74; Heming., vol. 1., p. 143)

That we may finish at once this interesting transaction concerning the settlement of the charters, we shall briefly mention the subsequent events which relate to it. The constable and maueschal, informed of the king's compliance, were satisfied; and not only ceased from disturbing the government, but assisted the regency with their power against the Scots, who had risen in arms, and had thrown off the yoke of England (Heming., vol. 1., p. 143). But being sensible that the smallest pretence would suffice to make Edward retract these detested laws, which, though they had often received the sanction both of king and parliament, and had been acknowledged during three reigns, were never yet deemed to have sufficient validity, they insisted that he should again confirm them on his return to England, and should thereby renounce all plea which he might derive from his residing in a foreign country, when he formerly affixed his seal to them (Heming., vol. 1., p. 159). It appeared that they judged aright of Edward's character and intentions; he delayed this confirmation as long as possible: and when the fear of worse consequences obliged him again to comply, he expressly added a salvo for his royal dignity or prerogative, which in effect enervated the whole force of the charters (Heming., vol. 1., pp. 167, 168). The two earls and their adherents left the parliament in disgust; and the king was constrained, on a future occasion, to grant to the people, without any subterfuge, a pure and absolute confirmation of those laws (Heming., vol. 1., p. 168), which were so much the object of their passionate affection. Even further securities were then provided for the establishment of national privileges. Three knights were appointed to be chosen in each county, and were invested with the power of punishing, by fine and imprisonment, every transgression or violation of the charters (Heming., vol. 1., p. 170). A precaution which, though it was soon disused, as encroaching too much on royal prerogative, proves the attachment which the English, in that age, bore to liberty, and their well-grounded jealousy of the arbitrary disposition of Edward.

<sup>1</sup> Walsing., p. 73; Heming., vol. 1., pp. 138, 139, 140, 141. Tivet., p. 308

The work, however, was not yet entirely finished and complete. In order to execute the lesser charter, it was requisite, by new perambulations, to set bounds to the royal forests, and to disafforest all land which former encroachments had comprehended within their limits. Edward discovered the same reluctance to comply with this equitable demand; and it was not till after many delays on his part, and many solicitations and requests, and even menaces of war and violence<sup>1</sup> on the part of the barons, that the perambulations were made and exact boundaries fixed by a jury in each county, to the extent of his forests (Hemingford, vol. 1., p. 171; M. West., pp. 431, 433). Had not his ambitious and active temper raised him so many foreign enemies, and obliged him to have recourse so often to the assistance of his subjects, it is not likely that those concessions could ever have been extorted from him.

But while the people, after so many successful struggles, deemed themselves happy in the secure possession of their privileges, they were surprised in 1305 to find that Edward had secretly applied to Rome, and had procured from that mercenary court an absolution from all the oaths and engagements which he had so often reiterated to observe both the charters. There are some historians (Brady, vol. 11., p. 84; Caite, vol. 11., p. 292) so credulous as to imagine that this perilous step was taken by him for no other purpose than to acquire the merit of granting a new confirmation of the charters, as he did soon after; and a confirmation so much the more unquestionable, as it could never after be invalidated by his successors on pretence of any force or violence which had been imposed upon him. But besides, that this might have been done with a better grace if he had never applied for any such absolution, the whole tenor of his conduct proves him to be little susceptible of such refinement in patriotism; and this very deed itself, in which he anew confirmed the charters, carries on the face of it a very opposite presumption. Though he ratified the charters in general, he still took advantage of the papal bull so far as to invalidate the late perambulations of the forests, which had been made with such care and attention, and to reserve to himself the power, in case of favourable incidents, to extend as much as formerly those arbitrary jurisdictions. If the power was not in fact made use of, we can only conclude that the favourable incidents did not offer.

Thus, after the contests of nearly a whole century, and these ever accompanied with violent jealousies, often with public convulsions, the Great Charter was finally established; and the English nation have the honour of extorting by their perseverance this concession from the ablest, the most warlike, and the most ambitious of all their princes.<sup>2</sup> It is computed that above thirty confirmations of the charter were at different times required of several kings, and granted by them in full parliament; a precaution which, while it discovers some ignorance of

<sup>1</sup> Walsing., p. 80. We are told by Tyrrel, vol. 11., p. 145, from the Chron. of St Albans, that the barons, not content with the execution of the charter of forests, demanded of Edward as high terms as had been imposed on his father by the Earl of Leicester. but no other historian mentions this particular.

<sup>2</sup> It must, however, be remarked, that the king never forgave the chief actors in this transaction, and he found means afterwards to oblige both the constable and mareschal to resign their offices into his hands. The former received a new grant of it; but the office of mareschal was given to Thomas of Brotherton, the king's second son.

the true nature of law and government, proves a laudable jealousy of national privileges in the people, and an extreme anxiety lest contrary precedents should ever be pleaded as an authority for infringing them. Accordingly we find that, though arbitrary practices often prevailed, and were even able to establish themselves into settled customs, the validity of the Great Charter was never afterwards formally disputed; and that grant was still regarded as the basis of English government, and the sure rule by which the authority of every custom was to be tried and canvassed. The jurisdiction of the Star Chamber, martial law, imprisonments by warrants from the privy-council, and other practices of a like nature, though established for several centuries, were scarcely ever allowed by the English to be parts of their constitution; the affection of the nation for liberty still prevailed over all precedent, and even all political reasoning, the exercise of these powers, after being long the source of secret murmurs among the people, was, in fulness of time, solemnly abolished as illegal, at least as oppressive, by the whole legislative authority.

To return to the period from which this account of the charters has led us. though the king's impatience to appear at the head of his armies in Flanders made him overlook all considerations, either of domestic discontents or of commotions among the Scots, his embarkation had been so long retarded by the various obstructions thrown in his way, that he lost the proper season for action, and after his arrival made no progress against the enemy. The King of France, taking advantage of his absence, had broken into the Low Countries; had defeated the Flemings in the battle of Furnes, had made himself master of Lisle, St Omer, Courtrai, and Ypres, and seemed in a situation to take full vengeance on the Earl of Flanders, his rebellious vassal. But Edward, seconded by an English army of 50,000 men (for this is the number assigned by historians) (Heming, vol. i., p. 146), was able to stop the career of his victories, and Philip, finding all the weak resources of his kingdom already exhausted, began to dread a reverse of fortune, and to apprehend an invasion on France itself. The King of England, on the other hand, disappointed of assistance from Adolph, King of the Romans, which he had purchased at a very high price, and finding many urgent calls for his presence in England, was desirous of ending, on any honourable terms, a war which served only to divert his force from the execution of more important projects. This disposition in both monarchs soon produced a cessation of hostilities for two years, and engaged them to submit their differences to the arbitration of Pope Boniface.

Boniface was among the last of the sovereign pontiffs that exercised an authority over the temporal jurisdiction of princes; and these exorbitant pretensions, which he had been tempted to assume from the successful example of his predecessors, but of which the season was now past, involved him in so many calamities, and were attended with so unfortunate a catastrophe, that they have been secretly abandoned, though never openly relinquished, by his successors in the apostolic chair. Edward and Philip, equally jealous of papal claims, took care (A.D. 1298) to insert in their reference that Boniface was made judge of the difference by their consent, as a private person, not by any right

of his pontificate; and the Pope, without seeming to be offended at this mortifying clause, proceeded to give a sentence between them, in which they both acquiesced.<sup>1</sup> He brought them to agree that their union should be cemented by a double marriage that of Edward himself, who was now a widower, with Margaret, Philip's sister; and that of the Prince of Wales with Isabella, daughter of that monarch (Rymer, vol. II., p. 823). Philip was likewise willing to restore Guenne to the English, which he had indeed no good pretence to detain; but he insisted that the Scots and their king, John Baliol, should, as his allies, be comprehended in the treaty, and should be restored to their liberty. The difference, after several disputes, was compromised by their making mutual sacrifices to each other. Edward agreed to abandon his ally, the Earl of Flanders, on condition that Philip should treat in like manner his ally, the King of Scots. The prospect of conquering these two countries, whose situation made them so commodious an acquisition to the respective kingdoms, prevailed over all other considerations; and though they were both finally disappointed in their hopes, their conduct was very reconcilable to the principles of an interested policy. This was the first specimen which the Scots had of the French alliance, and which was exactly conformable to what a smaller power must always expect, when it blindly attaches itself to the will and fortunes of a greater. That unhappy people, now engaged in a brave, though unequal contest for their liberties, were totally abandoned by the ally in whom they reposed their final confidence, to the will of an imperious conqueror.

Though England, as well as other European countries, was, in its ancient state, very ill qualified for making, and still worse for maintaining conquests, Scotland was so much inferior in its internal force, and was so ill situated for receiving foreign succours, that it is no wonder Edward, an ambitious monarch, should have cast his eye on so tempting an acquisition, which brought both security and greatness to his native country. But the instruments whom he employed to maintain his dominion over the northern kingdom were not happily chosen, and acted not with the requisite prudence and moderation in reconciling the Scottish nation to a yoke which they bore with such extreme reluctance. Warrenne, retiring into England on account of his bad state of health, left the administration entirely in the hands of Oimesby, who was appointed justiciary of Scotland, and Ciessingham, who bore the office of treasurer; and a small military force remained to secure the precarious authority of those ministers. The latter had no other object than the amassing of money by rapine and injustice, the former distinguished himself by the rigour and severity of his temper; and both of them, treating the Scots as a conquered people, made them sensible too early of the grievous servitude into which they had fallen. As Edward required that all the proprietors of land should swear fealty to him; every one who refused or delayed giving this testimony of submission, was outlawed and imprisoned, and punished without mercy; and the bravest and most generous spirits of the nation were thus exasperated to the highest degree against the English government.<sup>2</sup>

<sup>1</sup> Rymer, vol. II., p. 817; Heming, vol. I., p. 149; Trivet, p. 310.

<sup>2</sup> Walsing., p. 70; Heming, vol. I., p. 118; Trivet, p. 299.

There was one William Wallace, of a small fortune, but descended of an ancient family in the West of Scotland, whose courage prompted him to undertake, and enabled him finally to accomplish, the desperate attempt of delivering his native country from the dominion of foreigners. This man, whose valorous exploits are the objects of just admiration, but have been much exaggerated by the traditions of his countrymen, had been provoked by the insolence of an English officer to put him to death; and finding himself obnoxious on that account to the severity of the administration, he fled into the woods and offered himself as a leader to all those whom their times, or bad fortune, or avowed hatred of the English, had reduced to a like necessity. He was endowed with gigantic force of body, with heroic courage of mind, with disinterested magnanimity, with incredible patience, and ability to bear hunger, fatigue, and all the severities of the seasons; and he soon acquired among those desperate fugitives that authority to which his virtues so justly entitled him. Beginning with small attempts, in which he was always successful, he gradually proceeded to more momentous enterprises, and he discovered equal caution in securing his followers, and valour in annoying the enemy. By his knowledge of the country he was enabled, when pursued, to insure a retreat among the morasses or forests or mountains; and again collecting his dispersed associates, he unexpectedly appeared in another quarter and surprised and routed and put to the sword the unwary English. Every day brought accounts of his great actions, which were received with no less favour by his countrymen than terror by the enemy. All those who thirsted after military fame were desirous to partake of his renown. His successful valour seemed to vindicate the nation from the ignominy into which it had fallen by its tame submission to the English. And though no noblemen of note ventured as yet to join his party, he had gained a general confidence and attachment which both and fortune are not alone able to confer.

Wallace having by many fortunate enterprises brought the valour of his followers to correspond to his own, resolved to strike a decisive blow against the English government, and he concerted the plan of attacking Ormesby at Scone, and of taking vengeance on him for all the violence and tyranny of which he had been guilty. The justiciary, apprised of his intentions, fled hastily into England, all the other officers of that nation imitated his example, then terror added alacrity and courage to the Scots, who betook themselves to arms in every quarter. Many of the principal barons, and among the rest Sir William Douglas (Walsing, p. 70; Heming, vol. 1., p. 118), openly countenanced Wallace's party; Robert Bruce secretly favoured and promoted the same cause; and the Scots shaking off their fetters, prepared themselves to defend by an united effort that liberty which they had so unexpectedly recovered from the hands of their oppressors.

But Warrenne, collecting an army of 40,000 men in the North of England, determined to re-establish his authority; and he endeavoured, by the celerity of his armament and of his march, to compensate for his past negligence, which had enabled the Scots to throw off the English government. He suddenly entered Annandale, and came up with the enemy at Irvine, before their forces were fully collected and

before they had put themselves in a posture of defence. Many of the Scottish nobles, alarmed with their dangerous situation, here submitted to the English, renewed their oaths of fealty, promised to deliver hostages for their good behaviour, and received a pardon for past offences (Heming., vol. i., pp. 121, 122). Others who had not yet declared themselves, such as the Steward of Scotland and the Earl of Lenox, joined, though with reluctance, the English army, and waited a favourable opportunity for embracing the cause of their distressed countrymen. But Wallace, whose authority over his retainers was more fully confirmed by the absence of the great nobles, persevered obstinately in his purpose; and finding himself unable to give battle to the enemy, he marched northwards with an intention of prolonging the war and of turning to his advantage the situation of that mountainous and barren country. When Warrenne advanced to Stirling, he found Wallace encamped at Cambuskenneth, on the opposite banks of the Forth; and being continually urged by the impatient Cressingham, who was actuated both by personal and national animosities against the Scots (Heming., vol. i., p. 127), he prepared to attack them in that position, which Wallace, no less prudent than courageous, had chosen for his army (on the 11th Sept., 1297). In spite of the remonstrances of Sir Richard Lundy, a Scotchman of birth and family, who sincerely adhered to the English, he ordered his army to pass a bridge which lay over the Forth; but he was soon convinced by fatal experience of the error of his conduct. Wallace, allowing such numbers of the English to pass as he thought proper, attacked them before they were fully formed, put them to rout, pushed part of them into the river, destroyed the rest by the edge of the sword, and gained a complete victory over them.<sup>1</sup> Among the slain was Cressingham himself, whose memory was so extremely odious to the Scots that they flayed his dead body, and made saddles and girths of his skin (Heming., vol. i., p. 130). Warrenne finding the remainder of his army much dismayed by this misfortune, was obliged again to evacuate the kingdom and retire into England. The castles of Roxburgh and Berwick, ill fortified and feebly defended, fell soon after into the hands of the Scots.

Wallace, universally revered as the deliverer of his country, now received from the hands of his followers the dignity of regent or guardian under the captive Bahol; and finding that the disorders of war as well as the unfavourable seasons had produced a famine in Scotland, he urged his army to march into England, to subsist at the expense of the enemy, and to revenge all past injuries by retahating on that hostile nation. The Scots, who deemed everything possible under such a leader, joyfully attended his call. Wallace, breaking into the northern counties during the winter season, laid every place waste with fire and sword; and after extending on all sides without opposition the fury of his ravages, as far as the bishopric of Durham, he returned, loaded with spoils and crowned with glory, into his own country (Heming., vol. i., pp. 131, 132, 133). The disorders which at that time prevailed in England from the refractory behaviour of the constable and maueschal, made it impossible to collect an army sufficient to resist the enemy, and exposed the nation to this loss and dishonour.

<sup>1</sup> Walsing., p. 71, Heming., vol. i., pp. 127, 128, 129; Thivet, p. 207.

But Edward, who received in Flanders intelligence of these events, and had already concluded a truce with France, now hastened over to England, in certain hopes by his activity and valour not only of wiping off this disgrace, but of recovering the important conquest of Scotland, which he always regarded as the chief glory and advantage of his reign. He appeased the murmurs of his people by concessions and promises; he restored to the citizens of London the election of their own magistrates, of which they had been bereaved in the latter part of his father's reign, he ordered strict inquiry to be made concerning the corn and other goods which had been violently seized before his departure, as if he intended to pay the value to the owners (Rymer, vol. 11., p. 813); and making public professions of confirming and observing the charters, he regained the confidence of the discontented nobles. Having by all these popular arts rendered himself entirely master of his people, he collected the whole military force of England, Wales, and Ireland, and marched with an army of near a hundred thousand combatants to the northern frontiers.

Nothing could have enabled the Scots to resist, but for one season, so mighty a power, except an entire union among themselves; but as they were deprived of their king, whose personal qualities even when he was present, appeared so contemptible, and had left among his subjects no principle of attachment to him or his family, factions, jealousies, and animosities unavoidably arose among the great, and distracted all their councils. The elevation of Wallace, though purchased by so great merit and such eminent services, was the object of envy to the nobility, who repined to see a private gentleman raised above them by his rank, and still more by his glory and reputation. Wallace himself, sensible of their jealousy, and dreading the ruin of his country from those intestine discords, voluntarily resigned his authority, and retained only the command over that body of his followers who being accustomed to victory under his standard, refused to follow into the field any other leader. The chief power devolved on the Steward of Scotland and Comyn of Badenoch, men of eminent birth, under whom the great chieftains were more willing to serve in defence of their country. The two Scottish commanders collecting their several forces from every quarter, fixed their station at Falkirk, and purposed there to abide the assault of the English. Wallace was at the head of a third body which acted under his command. The Scottish army placed their pikemen along their front; lined the intervals between the three bodies with archers; and dreading the great superiority of the English in cavalry, endeavoured to secure their front by pallasadoes, tied together by ropes (Walsing., p. 75; Heming., vol. 1., p. 163). In this disposition they expected the approach of the enemy.

The king, when he arrived in sight of the Scots, was pleased with the prospect of being able by one decisive stroke to determine the fortune of the war; and dividing his army also into three bodies, he led (July 22) them to the attack. The English archers, who began about this time to surpass those of other nations, first chased the Scottish bowmen off the field; then pouring in their arrows among the pikemen, who were cooped up within their intrenchments, threw them into disorder, and rendered the assault of the English pikemen and cavalry



more easy and successful. The whole Scottish army was broken, and chased off the field with great slaughter, which the historians, attending more to the exaggerated relations of the populace than to the probability of things, make amount to 50,000 or 60,000 men.<sup>1</sup> It is only certain that the Scots never suffered a greater loss in any action, nor one which seemed to threaten more inevitable ruin to their country.

In this general rout of the army, Wallace's military skill and presence of mind enabled him to keep his troops entire; and retiring behind the Carron, he marched leisurely along the banks of that small river, which protected him from the enemy. Young Bruce, who had already given many proofs of his aspiring genius, but who served hitherto in the English army, appeared on the opposite banks; and distinguishing the Scottish chief, as well by his majestic port, as by the intrepid activity of his behaviour, called out to him, and desired a short conference. He here represented to Wallace the fruitless and ruinous enterprise in which he was engaged; and endeavoured to bend his inflexible spirit to submission under superior power and superior fortune: he insisted on the unequal contest between a weak state, deprived of its head and agitated by intestine discord, and a mighty nation, conducted by the ablest and most martial monarch of the age, and possessed of every resource either for protracting the war, or for pushing it with vigour and activity: if the love of his country were his motive for perseverance, his obstinacy tended only to prolong her misery; if he carried his views to private grandeur and ambition, he might reflect that, even if Edward should withdraw his armies, it appeared from past experience, that so many haughty nobles, proud of the pre-eminence of their families, would never submit to personal merit, whose superiority they were less inclined to regard as an object of admiration, than as a reproach and injury to themselves. To these exhortations Wallace replied, that, if he had hitherto acted alone as the champion of his country, it was solely because no second or competitor, or what he rather wished, no leader had yet appeared to place himself in that honourable station; that the blame lay entirely on the nobility, and chiefly on Bruce himself, who, uniting personal merit to dignity of family, had deserted the post, which both nature and fortune, by such powerful calls, invited him to assume; that the Scots, possessed of such a head, would, by their unanimity and concord, have surmounted the chief difficulty under which they now laboured, and might hope, notwithstanding their present losses, to oppose successfully all the power and abilities of Edward; that Heaven itself could not set a more glorious prize before the eyes either of virtue or ambition, than to join in one object, the acquisition of royalty with the defence of national independence; and that as the interests of his country, more than those of a brave man, could never be sincerely cultivated by a sacrifice of liberty, he himself was determined, as far as possible, to prolong not her misery, but her freedom; and was desirous that his own life, as well as the existence of the nation, might terminate, when they could no otherwise be preserved than by receiving the chains of a haughty victor. The gallantry of these sentiments, though delivered by an armed

<sup>1</sup> Wal-ing., p. 76; T. Wykes, p. 127; Heming., vol. i., pp. 163, 164, 165; Trivet, p. 113, says only 20,000. M. West., p. 431, says 40,000.

enemy, struck the generous mind of Bruce; the flame was conveyed from the breast of one hero to that of another; he repented of his engagements with Edward; and opening his eyes to the honourable path pointed out to him by Wallace, secretly determined to seize the first opportunity of embracing the cause, however desperate, of his oppressed country.<sup>1</sup>

The subjection of Scotland, notwithstanding this great victory of Edward, was not yet entirely completed. The English army, after reducing the southern provinces, was (A.D. 1299) obliged to retire for want of provisions; and left the northern counties in the hands of the natives. The Scots, no less enraged at their present defeat, than elated by their past victories, still maintained the contest for liberty, but being fully sensible of the great inferiority of their force, they endeavoured, by applications to foreign courts, to procure to themselves some assistance. The supplications of the Scottish ministers were rejected by Philip; but were more successful with the court of Rome. Boniface, pleased with an occasion of exerting his authority, wrote a letter to Edward, exhorting him to put a stop to his oppressions on Scotland, and displaying all the proofs, such as they had probably been furnished him by the Scots themselves, for the ancient independence of that kingdom (Rymer, vol. ii., p. 844). Among other arguments, hinted at above, he mentioned the treaty conducted and finished by Edward himself, for the marriage of his son with the heiress of Scotland, a treaty which would have been absurd, had he been superior lord of the kingdom, and had possessed by the feudal law the right of disposing of his ward in marriage. He mentioned several other striking facts which fell within the compass of Edward's own knowledge, particularly, that Alexander, when he did homage to the king, openly and expressly declared in his presence, that he swore fealty not for his crown, but for the lands which he held in England. and the Pope's letter might have passed for a reasonable one, had he not subjoined his own claim to be liege lord of Scotland; a claim which had not once been heard of, but which, with a singular confidence, he asserted to be full, entire, and derived from the most remote antiquity. The affirmative style, which had been so successful with him and his predecessors in spiritual contests, was never before abused after a more egregious manner in any civil controversy.

The reply, which (A.D. 1301) Edward made to Boniface's letter, contains particulars no less singular and remarkable (*Ibid.*, p. 863). He there proves the superiority of England by historical facts, deduced from the period of Brutus, the Trojan, who, he said, founded the British monarchy in the age of Eli and Samuel; he supports his position by all the events which passed in the island before the arrival of the Romans; and after laying great stress on the extensive dominions and heroic victories of King Arthur, he vouchsafes at last to descend to the time of Edward the Elder, with which, in his speech to the states of Scotland, he had chosen to begin his claim of superiority. He asserts it to be a fact, notorious and confirmed by the records of antiquity, that

<sup>1</sup> This story is told by all the Scotch writers; though it must be owned that Tivet and Hemingford, authors of good credit, both agree that Bruce was not at that time in Edward's army.

the English monarchs had often conferred the kingdom of Scotland on their own subjects, had dethroned these vassal kings when unfaithful to them; and had substituted others in their stead. He displays with great pomp the full and complete homage which William had done to Henry II.; without mentioning the formal abolition of that extorted deed by King Richard, and the renunciation of all future claims of the same nature. Yet this paper he begins with a solemn appeal to the Almighty, the searcher of hearts, for his own firm persuasion of the justice of his claim; and no less than a hundred and four barons, assembled in parliament at Lincoln, concur in maintaining before the Pope, under their seals, the validity of these pretensions<sup>1</sup>. At the same time, however, they take care to inform Boniface, that, though they had justified their cause before him, they did not acknowledge him for their judge: the crown of England was free and sovereign; they had sworn to maintain all its royal prerogatives, and would never permit the king himself, were he willing, to relinquish its independency.

That neglect, almost total, of truth and justice, which sovereign states discover in their transactions with each other, is an evil universal and inveterate; is one great source of the misery to which the human race is continually exposed; and it may be doubted whether, in many instances, it be found in the end to contribute to the interests of those princes themselves who thus sacrifice their integrity to their politics. As few monarchs have lain under stronger temptations to violate the principles of equity than Edward in his transactions with Scotland; so never were they violated with less scruple and reserve; yet his advantages were hitherto precarious and uncertain; and the Scots, once roused to arms and incited to war, began (A.D. 1302) to appear a formidable enemy, even to this military and ambitious monarch. They chose John Cummin for their regent; and not content with maintaining their independence in the northern parts, they made incursions into the southern counties, which Edward imagined he had totally subdued. John de Segrave, whom he had left guardian of Scotland, led an army to oppose them; and lying at Roslin, near Edinburgh, sent out (A.D. 1303, Feb. 24) his forces in three divisions, to provide themselves with forage and subsistence from the neighbourhood. One party was suddenly attacked by the regent and Sir Simon Fraser, and being unprepared, was immediately routed and pursued with great slaughter. The few that escaped, flying to the second division, gave warning of the approach of the enemy: the soldiers ran to their arms, and were immediately led on to take revenge for the death of their countrymen. The Scots, elated with the advantage already obtained, made a vigorous impression upon them. The English, animated with a thirst of vengeance, maintained a stout resistance; the victory was long undecided between them; but at last declared itself entirely in favour of the former, who broke the English, and chased them to the third division, now advancing with a hasty march to support their distressed companions. Many of the Scots had fallen in the two first actions; most of them were wounded; and all of them extremely fatigued by the long continuance of the combat: yet were they so transported with success

<sup>1</sup> Rymer, vol. ii., p. 873; Walsing., p. 85; Heming., vol. i., p. 186; Trivet, p. 330; M. West., p. 443.

and military rage, that, having suddenly recovered their order, and arming the followers of their camp with the spoils of the slaughtered enemy, they dove with fury upon the ranks of the dismayed English. The favourable moment decided the battle, which the Scots, had they met with a steady resistance, were not long able to maintain; the English were chased off the field; three victories were thus gained in one day (Heming, vol. i., p. 197). And the renown of these great exploits, seconded by the favourable dispositions of the people, soon made the regent master of all the fortresses of the south; and it became necessary for Edward to begin anew the conquest of the kingdom.

The king prepared himself for this enterprise with his usual vigour and abilities. He assembled both a great fleet and a great army; and entering the frontiers of Scotland, appeared with a force which the enemy could not think of resisting in the open field; the English navy, which sailed along the coast, secured the army from any danger of famine; Edward's vigilance preserved it from surprises, and by this prudent disposition they marched victorious from one extremity of the kingdom to the other, ravaging the open country, reducing all the castles (Ibid., p. 205), and receiving the submissions of all the nobility, even those of Comyn the regent. The most obstinate resistance was made by the castle of Brechin, defended by Sir Thomas Maule; and the place opened not its gates, till the death of the governor, by discouraging the garrison, obliged them to submit to the fate which had overwhelmed the rest of the kingdom. Sir William Wallace, though he attended the English army in their march, found but few opportunities of signalizing that valour which had formerly made him so terrible to his enemies.

Edward, having completed his conquest, which employed him during the space of near two years, now undertook the more difficult work of settling the country, of establishing a new form of government, and of making his acquisition durable to the crown of England. He seems to have carried matters to extremity against the natives; he abrogated all the Scottish laws and customs; he endeavoured to substitute the English in their place; he entirely razed or destroyed all the monuments of antiquity, such records or histories as had escaped his former search were now burnt or dispersed; and he hastened, by too precipitate steps, to abolish entirely the Scottish name, and to sink it finally in that of the English.

Edward, however, still deemed his favourite conquest exposed to some danger so long as Wallace was alive, and being prompted both by revenge and policy, he employed every art to discover his retreat, and become master of his person. At last that hardy warrior, who was determined, amidst the universal slavery of his countrymen, still to maintain his independency, was betrayed into Edward's hands by Sir John Monteith, his friend, whom he had made acquainted with the place of his concealment. The king, whose natural bravery and magnanimity should have induced him to respect like qualities in an enemy, enraged at some acts of violence committed by Wallace during the fury of the war, resolved to (A.D. 1305) overawe the Scots by an example of severity; he ordered Wallace to be carried in chains to London; to be tried as a rebel and traitor, though he had never made submissions, or sworn fealty to England, and (Aug. 23) to be

executed on Tower Hill. This was the unworthy fate of a hero, who, through a course of many years, had, with signal conduct, intrepidity, and perseverance, defended against a public and oppressive enemy the liberties of his native country.

But the barbarous policy of Edward failed of the purpose to which it was directed. The Scots, already disgusted at the great innovations introduced by the sword of a conqueror into their laws and government, were further enraged at the injustice and cruelty exercised upon Wallace, and all the envy which, during his lifetime, had attended that gallant chief, being now buried in his grave, he was universally regarded as the champion of Scotland, and the patron of her expiring independency. The people, inflamed with resentment, were everywhere disposed to rise against the English government, and it was not long ere a new and more fortunate leader presented himself, who conducted them to liberty, to victory, and to vengeance.

Robert Bruce, grandson of that Robert who had been one of the competitors for the crown, had succeeded, by his grandfather's and father's death, to all their rights; and the demise of John Baliol, together with the captivity of Edward, eldest son of that prince, seemed to open a full career to the genius and ambition of this young nobleman. He saw that the Scots, when the title to their crown had expired in the males of their ancient royal family, had been divided into parties nearly equal between the houses of Bruce and Baliol; and that every incident which had since happened had tended to wean them from any attachment to the latter. The slender capacity of John had proved unable to defend them against their enemies; he had meanly resigned his crown into the hands of the conqueror; he had, before his deliverance from captivity, reiterated that resignation in a manner seemingly voluntary, and had in that deed thrown out many reflections extremely dishonourable to his ancient subjects, whom he publicly called traitors, ruffians, and rebels, and with whom, he declared, he was determined to maintain no further correspondence (Brady's Hist., vol. ii., App. No. 27); he had, during the time of his exile, adhered strictly to that resolution, and his son, being a prisoner, seemed ill qualified to revive the rights now fully abandoned of his family. Bruce therefore hoped that the Scots, so long exposed, from the want of a leader, to the oppressions of their enemies, would unanimously fly to his standard, and would seat him on the vacant throne, to which he brought such plausible pretensions. His aspiring spirit, inflamed by the fervour of youth, and buoyed up by his natural courage, saw the glory alone of the enterprise, or regarded the prodigious difficulties which attended it as the source only of further glory. The miseries and oppressions which he had beheld his countrymen suffer in their unequal contest; the repeated defeats and misfortunes which they had undergone; proved to him so many incentives to bring them relief, and conduct them to vengeance against the haughty victor. The circumstances which attended Bruce's first declaration are variously related; but we shall rather follow the account given by the Scottish historians; not that their authority is in general anywise comparable to that of the English, but because they may be supposed sometimes better informed concerning facts which so nearly interested their own nation.

Bruce, who had long harboured in his breast the design of freeing his enslaved country, ventured at last to open his mind to John Comyn, a powerful nobleman with whom he lived in strict intimacy. He found his friend, as he imagined, fully possessed with the same sentiments, and he needed to employ no arts of persuasion to make him embrace the resolution of throwing off on the first favourable opportunity the usurped dominion of the English. But on the departure of Bruce, who attended Edward to London, Comyn, who either had all along dissembled with him, or begun to reflect more coolly in his absence on the desperate nature of his undertaking, resolved to atone for his crime in assenting to this rebellion, by the merit of revealing the secret to the King of England. Edward did not immediately commit Bruce to custody, because he intended at the same time to seize his three brothers, who resided in Scotland, and he contented himself with secretly setting spies upon him, and ordering all his motions to be strictly watched. A nobleman of Edward's court, Bruce's intimate friend, was apprized of his danger; but not daring, amidst so many jealous eyes, to hold any conversation with him, he fell on an expedient to give him warning that it was full time he should make his escape. He sent him, by a servant, a pair of gilt spurs and a purse of gold, which he pretended to have borrowed from him, and left it to the sagacity of his friend to discover the meaning of the present. Bruce immediately contrived the means of his escape; and as the ground was at that time covered with snow, he had the precaution, it is said, to order his horses to be shod with their shoes inverted, that he might deceive those who should track his path over the open fields or cross roads through which he purposed to travel. He arrived in a few days at Dumfries, in Annandale, the chief seat of his family interest; where he found a great number of the Scottish nobility there assembled, and, among the rest, John Comyn, his former associate.

(A.D. 1306, Feb. 10). The noblemen were astonished at the appearance of Bruce among them; and still more when he discovered to them the object of his journey. He told them that he was come to live or die with them in defence of the liberties of his country, and hoped, with their assistance, to redeem the Scottish name from all the indignities which it had so long suffered from the tyranny of their impious masters; that the sacrifice of the rights of his family was the first injury which had prepared the way for their ensuing slavery; and by resuming them, which was his firm purpose, he opened to them the joyful prospect of recovering from the fraudulent usurper their ancient and hereditary independence; that all past misfortunes had proceeded from their disunion; and they would soon appear no less formidable than of old to their enemies, if they now deigned to follow into the field their rightful prince, who knew no medium between death and victory, that their mountains, and their valour, which had, during so many ages, protected their liberty from all the efforts of the Roman empire, would still be sufficient, were they worthy of their generous ancestors, to defend them against the utmost violence of the English tyrant, that it was unbecoming men, born to the most ancient independence known in Europe, to submit to the will of any masters, but fatal to receive those who, being irritated by such persevering resistance, and inflamed with the highest animosity, would never deem them-

selves secure in their usurped dominion, but by exterminating all the ancient nobility, and even all the ancient inhabitants; and that, being reduced to this desperate extremity, it were better for them at once to perish, like brave men, with swords in their hands, than to dread long, and at last to undergo the fate of the unfortunate Wallace, whose merits, in the brave and obstinate defence of his country, were finally rewarded by the hands of an English executioner.

The spirit with which this discourse was delivered, the bold sentiments which it conveyed, the novelty of Bruce's declaration, assisted by the graces of his youth and manly deportment, made deep impression on the minds of his audience, and roused all those principles of indignation and revenge with which they had long been secretly actuated. The Scottish nobles declared their unanimous resolution to use the utmost efforts in delivering their country from bondage, and to second the courage of Bruce, in asserting his and their undoubted rights, against their common oppressors. Comyn alone, who had secretly taken his measures with the king, opposed this general determination; and by representing the great power of England, governed by a prince of such uncommon vigour and abilities, he endeavoured to set before them the certain destruction which they must expect, if they again violated their oaths of fealty, and shook off their allegiance to the victorious Edward (M. West., p. 453). Bruce, already apprised of his treachery, and foreseeing the certain failure of all his own schemes of ambition and glory from the opposition of so potent a leader, took immediately his resolution; and moved, partly by resentment, partly by policy, followed Comyn on the dissolution of the assembly, attacked him in the cloisters of the Grey Friars, through which he passed, and running him through the body, left him for dead. Sir Thomas Kirkpatrick, one of Bruce's friends, asking him, soon after, if the traitor was slain; 'I believe so,' replied Bruce. 'And is that a matter,' cried Kirkpatrick, 'to be left to conjecture? I'll mak siccar.'<sup>1</sup> Upon which he drew his dagger, ran to Comyn, and stabbed him to the heart. This deed of Bruce and his associates, which contains circumstances justly condemned by our present manners, was regarded, in that age, as an effort of manly vigour and just policy. The family of Kirkpatrick took for the crest of their arms, which they still wear, a hand with a bloody dagger; and chose for their motto these words, 'I will secure him;' the expression employed by their ancestor, when he executed that violent action.

The murder of Comyn affixed the seal to the conspiracy of the Scottish nobles; they had now no resource left but to shake off the yoke of England, or to perish in the attempt; the genius of the nation roused itself from its present dejection; and Bruce, flying to different quarters, excited his partisans to arms, attacked with success the dispersed bodies of the English, got possession of many of the castles, and having made his authority be acknowledged in most parts of the kingdom, was solemnly crowned and inaugurated in the abbey of Scone by the Bishop of St. Andrews, who had zealously embraced his cause. The English were again chased out of the kingdom, except such as took shelter in the fortresses that still remained in their hands:

<sup>1</sup> 'I'll mak siccar'—I will secure—make sure, since then the motto of the knightly family, the Kirkpatrick's of Closeburn, Dumfriesshire—A.M.

and Edward found that the Scots, twice conquered in his reign, and often defeated, must yet be anew subdued. Not discouraged with these unexpected difficulties, he sent Aymer de Valence with a considerable force into Scotland to check the progress of the malcontents; and that nobleman falling unexpectedly upon Bruce at Methven in Perthshire, threw his army into such disorder, as ended in a total defeat.<sup>1</sup> Bruce fought with the most heroic courage, was thrice dismounted in the action, and as often recovered himself; but was at last obliged to yield to superior fortune, and take shelter, with a few followers, in the western isles. The Earl of Athole, Sir Simon Fraser, and Sir Christopher Seton, who had been taken prisoners, were ordered by Edward to be executed as rebels and traitors (Heming, vol. i., p. 223; M. West., p. 456). Many other acts of rigour were (A.D. 1307) exercised by him; and that prince, vowing revenge against the whole Scottish nation, whom he deemed incorrigible in their aversion to his government, assembled a great army, and was preparing to enter the frontiers, secure of success, and determined to make the defenceless Scots the victims of his severity; when he unexpectedly sickened and died (July 7, A.D. 1307) near Carlisle; enjoining, with his last breath, his son and successor to prosecute the enterprise, and never to desist till he had subdued the kingdom of Scotland. He expired in the sixty-ninth year of his age, and the thirty-fifth of his reign, hated by his neighbours, but extremely respected and revered by his own subjects.

The enterprises, finished by this prince, and the projects which he formed, and brought near to a conclusion, were more prudent, more regularly conducted, and more advantageous to the solid interests of his kingdom, than those which were undertaken in any reign, either of his ancestors or his successors. He restored authority to the government, disordered by the weakness of his father, he maintained the laws against all the efforts of his turbulent barons; he fully annexed to his crown the principality of Wales; he took many wise and vigorous measures for reducing Scotland to a like condition; and though the equity of this latter enterprise may reasonably be questioned, the circumstances of the two kingdoms promised such certain success, and the advantage was so visible of uniting the whole island under one head, that those who give great indulgence to reasons of state in the measures of princes, will not be apt to regard this part of his conduct with much severity. But Edward, however exceptionable his character may appear on the head of justice, is the model of a politic and warlike king; he possessed industry, penetration, courage, vigilance, and enterprise; he was frugal in all expenses that were not necessary; he knew how to open the public treasures on a proper occasion; he punished criminals with severity; he was gracious and affable to his servants and courtiers; and being of a majestic figure, expert in all military exercises, and, in the main, well-proportioned in his limbs, notwithstanding the great length and the smallness of his legs, he was well qualified to captivate the populace by his exterior appearance, as to gain the approbation of men of sense by his more solid virtues.

But the chief advantage which the people of England reaped, and still continue to reap, from the reign of this great prince was the

<sup>1</sup> Walsing., p. 91; Heming, vol. i., pp. 222, 223; Trivet, p. 344.



correction, extension, amendment, and establishment of the laws, which Edward maintained in great vigour, and left much improved to posterity; for the acts of a wise legislator commonly remain, while the acquisitions of a conqueror often perish with him. This merit has justly gained to Edward the appellation of the English Justinian. Not only the numerous statutes passed in his reign touch the chief points of jurisprudence, and, according to Sir Edward Coke (*Institute*, p. 156), truly deserve the name of establishments, because they were more constant, standing, and durable laws than any made since; but the regular order maintained in his administration gave an opportunity to the common law to refine itself, and brought the judges to a certainty in their determinations, and the lawyers to a precision in their pleadings. Sir Matthew Hale has remarked the sudden improvement of English law during this reign; and ventures to assert that, till his own time, it had never received any considerable increase (*Hist. of the English Law*, pp. 158, 163). Edward settled the jurisdiction of the several courts, first established the office of justice of peace, abstained from the practice, too common before him, of interrupting justice by mandates from the privy council;<sup>1</sup> repressed robberies and disorders (*Statute of Winton*); encouraged trade, by giving merchants an easy method of recovering their debts (*Statute of Acton Burnel*); and, in short, introduced a new face of things by the vigour and wisdom of his administration. As law began now to be well established, the abuse of that blessing began also to be remarked. Instead of their former associations for robbery and violence, men entered into formal combinations to support each other in lawsuits; and it was found requisite to check this iniquity by act of parliament (*Statute of Conspirators*).

There happened in this reign a considerable alteration in the execution of the laws: the king abolished the office of chief justiciary, which, he thought, possessed too much power, and was dangerous to the crown;<sup>2</sup> he completed the division of the court of exchequer into four distinct courts, which managed, each, its several branch, without dependence on any one magistrate; and as the lawyers afterwards invented a method, by means of their fictions, of carrying business from one court to another, the several courts became rivals and checks to each other; a circumstance which tended much to improve the practice of the law in England.

But though Edward appeared thus, throughout his whole reign, a friend to law and justice, it cannot be said that he was an enemy to arbitrary power; and in a government more regular and legal than was that of England in his age, such practices as those which may be remarked in his administration would have given sufficient ground of complaint, and sometimes were, even in his age, the object of general displeasure. The violent plunder and banishment of the Jews, the

<sup>1</sup> *Articuli super Cart.*, cap. vi. Edward enacted a law to this purpose; but it is doubtful, whether he ever observed it. We are sure that scarcely any of his successors did. The multitude of these letters of protection were the ground of a complaint by the commons in 3 Edw. II. Ryley, p. 525. This practice is declared illegal by the statute of Northampton, passed in the second of Edw. III., but it still continued, like many other abuses. There are instances of it so late as the reign of Queen Elizabeth.

<sup>2</sup> *Spelman Gloss.*, in verbo *Justiciarius*. Gilbert's *Hist. of Exch.*, p. 8.

putting of the whole clergy, at once, and by an arbitrary edict, out of the protection of law; the seizing of all the wool and leather of the kingdom; the heightening of the impositions on the former valuable commodity; the new and illegal commission of Trailbaston; the taking of all the money and plate of monasteries and churches, even before he had any quarrel with the clergy; the subjecting of every man possessed of twenty pounds a year to military service, though not bound to it by his tenure, his visible reluctance to confirm the great charter, as if that concession had no validity from the deeds of his predecessors; the captious clause which he at last annexed to his confirmation; his procuring of the Pope's dispensation from the oaths which he had taken to observe that charter; and his levying of talliages at discretion even after the statute, or rather charter, by which he had renounced that prerogative; these are so many demonstrations of his arbitrary disposition, and prove with what exception and reserve we ought to celebrate his love of justice. Edward took care that his subjects should do justice to each other; but he desired always to have his own hands free in all his transactions, both with them and with his neighbours.

The chief obstacle to the execution of justice in those times was the power of the great barons; and Edward was perfectly qualified, by his character and abilities, for keeping these tyrants in awe, and restraining their illegal practices. This salutary purpose was accordingly the great object of his attention; yet was he imprudently led into a measure which tended to increase and confirm their dangerous authority. He passed a statute, which, by allowing them to entail their estates, made it impracticable to diminish the property of the great families, and left them every means of increase and acquisition (Brady of Boros, p. 25, from the Records).

Edward observed a contrary policy with regard to the Church; he seems to have been the first Christian prince that passed a statute of mortmain; and prevented by law the clergy from making new acquisitions of lands, which by the ecclesiastical canons they were for ever prohibited from alienating. The opposition between his maxims with regard to the nobility and to the ecclesiastics, lead us to conjecture, that it was only by chance he passed the beneficial statute of mortmain, and that his sole object was, to maintain the number of knights' fees, and to prevent the superiors from being defrauded of the profits of wardship, marriage, livery, and other emoluments arising from the feudal tenures. This is indeed the reason assigned in the statute itself, and appears to have been his real object in enacting it. The author of the *Annals of Waverley* ascribes this act chiefly to the king's anxiety for maintaining the military force of the kingdom; but adds that he was mistaken in his purpose; for that the Amalekites were overcome more by the prayers of Moses than by the sword of the Israelites (p. 234, M. West., p. 409). The statute of mortmain was often evaded afterwards by the invention of 'Uses.'

Edward was active in restraining the usurpations of the Church; and excepting his ardour for crusades, which adhered to him during his whole life, seems, in other respects, to have been little infected with superstition, the vice chiefly of weak minds. But the passion for

Crusades was really in that age the passion for glory. As the Pope now felt himself somewhat more restrained in his former practice of pillaging the several Churches in Europe, by laying impositions upon them, he permitted the generals of particular orders, who resided at Rome, to levy taxes on the convents subjected to their jurisdiction; and Edward was obliged to enact a law against this new abuse. It was also become a practice of the court of Rome to provide successors to benefices before they became vacant; Edward found it likewise necessary to prevent by law this species of injustice.

The tribute of 1000 marks a year, to which King John, in doing homage to the Pope, had subjected the kingdom, had been pretty regularly paid since his time, though the vassalage was constantly denied, and indeed, for fear of giving offence, had been but little insisted on. The payment was called by a new name of census, not by that of tribute. King Edward seems to have always paid this money with great reluctance, and he suffered the arrears, at one time, to run on for six years (Rymer, vol. ii., pp. 77, 107), at another for eleven (Id., p. 862); but as princes in that age stood continually in need of the Pope's good offices, for dispensations of marriage and for other concessions, the court of Rome always found means, sooner or later, to catch the money. The levying of first-fruits was also a new device, begun in this reign, by which his holiness thrust his fingers very frequently into the purses of the faithful; and the king seems to have unwarily given way to it.

In the former reign, the taxes had been partly scutages, partly such a proportional part of the movables as was granted by parliament; in this, scutages were entirely dropped; and the assessment on movables was the chief method of taxation. Edward, in his fourth year, had a fifteenth granted him; in his fifth year, a twelfth; in his eleventh year, a thirtieth from the laity, a twentieth from the clergy; in his eighteenth year, a fifteenth; in his twenty-second year, a tenth from the laity, a sixth from London and other corporate towns, half of their benefices from the clergy; in his twenty-third year, an eleventh from the barons and others, a tenth from the clergy, a seventh from the burgesses; in his twenty-fourth year, a twelfth from the barons and others, an eighth from the burgesses, from the clergy nothing, because of the Pope's inhibition; in his twenty-fifth year, an eighth from the laity, a tenth from the clergy of Canterbury, a fifth from those of York; in his twenty-ninth year, a fifteenth from the laity, on account of his confirming the perambulations of the forests; the clergy granted nothing; in his thirty-third year, first a thirtieth from the barons and others, and a twentieth from the burgesses, then a fifteenth from all his subjects; in his thirty-fourth year, a thirtieth from all his subjects for knighting his eldest son.

These taxes were moderate; but the king had also duties upon exportation and importation granted him from time to time; the heaviest were commonly upon wool. Poundage, or a shilling a pound, was not regularly granted the kings for life till the reign of Hen. V.

In 1296, the famous mercantile society, called the Merchant Adventurers, had its first origin; it was instituted for the improvement of the woollen manufacture, and the vending of the cloth abroad, particularly

at Antwerp (Anderson's Hist. of Com., vol. i., p. 137). For the English at this time scarcely thought of any more distant commerce.

This king granted a charter or declaration of protection and privileges to foreign merchants, and also ascertained the customs or duties which those merchants were in return to pay on merchandise imported and exported. He promised them security, allowed them a jury on trials, consisting half of natives, half of foreigners; and appointed them a justiciary in London for their protection. But notwithstanding this seeming attention to foreign merchants, Edward did not free them from the cruel hardship of making one answerable for the debts, and even for the crimes of another, that came from the same country (Anderson's Hist. of Commerce, vol. 1., p. 146). We read of such practices among the present barbarous nations. The king also imposed on them a duty of two shillings on each tun of wine imported, over and above the old duty, and forty pence on each sack of wool exported, besides half a mark, the former duty.<sup>1</sup>

In the year 1303, the Exchequer was robbed, and of no less a sum than 100,000*l.*, as is pretended (Rymer, vol. ii., p. 930). The abbot and monks of Westminster were indicted for this robbery, but acquitted. It does not appear that the king ever discovered the criminals with certainty, though his indignation fell on the society of Lombard merchants, particularly the Frescobaldi, very opulent Florentines.

The Pope having in 1307 collected much money in England, the king enjoined the nuncio not to export it in specie, but in bills of exchange (Rymer, vol. ii., p. 1092). A proof that commerce was but ill understood at that time.

Edward had by his first wife, Eleanor of Castile, four sons; but Edward, his heir and successor, was the only one that survived him. She also bore him eleven daughters, most of whom died in their infancy: of the surviving, Joan was married first to the Earl of Gloucester, and after his death, to Ralph de Monthermer; Margaret espoused John, Duke of Brabant; Elizabeth espoused first, John, Earl of Holland, and afterwards the Earl of Hereford; Mary was a nun at Amblesbury. He had by his second wife, Margaret of France, two sons and a daughter; Thomas, created Earl of Norfolk, and marshal of England; and Edmond, who was created Earl of Kent by his brother when king. The princess died in her infancy.

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## CHAPTER XIV.

### EDWARD II.

*Weakness of the king.—His passion for favourites.—Piers Gaveston.—Discontent of the barons.—Murder of Gaveston.—War with Scotland.—Battle of Bannockburn.—Hugh le Despencer.—Civil commotions.—*

<sup>1</sup> Rymer, vol. iv., p. 361. It is the charter of Edw. I. which is therefore confirmed by Edw. III.

*Execution of the Earl of Lancaster.—Conspiracy against the king.—Insurrection.—The king dethroned.—Murdered.—His character.—Miscellaneous transactions in this reign.*

THE prepossessions entertained in favour of young Edward kept the English from being fully sensible of the extreme loss which they had sustained by the death of the great monarch who filled the throne; and all men hastened with alacrity to take the oath of allegiance to his son and successor. This prince was in the twenty third year of his age, was of an agreeable figure, of a mild and gentle disposition, and having never discovered a propensity to any dangerous vice, it was natural to prognosticate tranquillity and happiness from his government. But the first act of his reign blasted all these hopes, and showed him to be totally unqualified for that perilous situation, in which every English monarch, during those ages, had, from the unstable form of the constitution, and the turbulent dispositions of the people derived from it, the misfortune to be placed. The indefatigable Robert Bruce, though his army had been dispersed, and he himself had been obliged to take shelter in the western isles, remained not long inactive; but before the death of the late king had sallied from his retreat, had again collected his followers, had appeared in the field, and had obtained by surprise an important advantage over Aymer de Valence, who commanded the English forces (Tivet, p. 346). He was now become so considerable as to have afforded the King of England sufficient glory in subduing him, without incurring any danger of seeing all those mighty preparations made by his father fail in the enterprise. But Edward, instead of pursuing his advantages, marched but a little way into Scotland; and having an utter incapacity, and equal aversion, for all application or serious business, he immediately returned upon his footsteps, and disbanded his army. His grandees perceived from this conduct that the authority of the crown, fallen into such feeble hands, was no longer to be dreaded, and that every insolence might be practised by them with impunity.

The next measure, taken by Edward, gave them an inclination to attack those prerogatives which no longer kept them in awe. There was one Piers Gaveston, son of a Gascon knight of some distinction, who had honourably served the late king, and who, in reward of his merits, had obtained an establishment for his son in the family of the Prince of Wales. This young man soon insinuated himself into the affections of his master by his agreeable behaviour, and by supplying him with all those innocent though frivolous amusements which suited his capacity and his inclinations. He was endowed with the utmost elegance of shape and person, was noted for a fine mien and easy carriage, distinguished himself in all warlike and genteel exercises, and was celebrated for those quick sallies of wit in which his countrymen usually excel. By all these accomplishments he gained so entire an ascendant over young Edward, whose heart was strongly disposed to friendship and confidence, that the late king, apprehensive of the consequences, had banished him the kingdom, and had, before he died, made his son promise never to recal him. But no sooner did he find himself master, as he vainly imagined, than he sent for

Gaveston; and, even before his arrival at court, endowed him with the whole earldom of Cornwall, which had escheated to the crown by the death of Edmond, son of Richard King, of the Romans.<sup>1</sup> Not content with conferring on him those possessions, which had sufficed as an appanage for a prince of the blood, he daily loaded him with new honours and riches, married him to his own niece, sister of the Earl of Gloucester, and seemed to enjoy no pleasure in his royal dignity, but as it enabled him to exalt to the highest splendour this object of his fond affections

The haughty barons, offended at the superiority of a minion, whose birth, though reputable, they despised, as much inferior to their own, concealed not their discontent, and soon found reasons to justify their animosity in the character and conduct of the man they hated. Instead of disarming envy by the moderation and modesty of his behaviour, Gaveston displayed his power and influence with the utmost ostentation; and deemed no circumstance of his good fortune so agreeable as its enabling him to eclipse and mortify all his rivals. He was vain-glorious, profuse, rapacious; fond of exterior pomp, and appearance, giddy with prosperity; and as he imagined that his fortune was now as strongly rooted in the kingdom as his ascendant was uncontrolled over the weak monarch, he was negligent in engaging partisans who might support his sudden and ill-established grandeur. At all tournaments, he took delight in foiling the English nobility by his superior address, in every conversation he made them the object of his wit and railery; every day his enemies multiplied upon him, and naught was wanting but a little time to cement their union, and render it fatal both to him and to his master (T de la More, p. 593; Walsing, p. 97).

It behoved the king to take a journey to France, both in order to do homage for the duchy of Guienne, and to espouse the Princess Isabella, to whom he had long been affianced, though unexpected accidents had hitherto retarded the completion of the marriage (T. de la More, p. 593; Tivet, cont. p. 3). Edward left Gaveston guardian of the realm (Rymer, vol. iii., p. 47; Ypod. Neust., p. 499), with more ample powers than had usually been conferred (Brady's App., No. 49); and on his return with his young queen, renewed all the proofs of that fond attachment to the favourite, of which every one so loudly complained. This princess was of an imperious and intriguing spirit, and finding that her husband's capacity required, as his temper inclined him, to be governed, she thought herself best entitled, on every account to perform the office; and she contracted a mortal hatred against the person who had disappointed her in these expectations. She was well pleased therefore to see a combination of the nobility forming against Gaveston, who, sensible of her hatred, had wantonly provoked her by new insults and injuries.

Thomas, Earl of Lancaster, cousin-german to the king, and first prince of the blood, was by far the most opulent and powerful subject in England, and possessed in his own right, and soon after in that of his wife, heiress of the family of Lincoln, no less than six earldoms, with a proportionable estate in land, attended with all the jurisdictions

<sup>1</sup> Rymer, vol. iii., p. 1; Heming., vol. i., p. 243; Walsing., p. 96.

and power which commonly in that age were annexed to landed property. He was turbulent and factious in his disposition, mortally hated the favourite, whose influence over the king exceeded his own; and he soon became the head of that party among the barons who desired the depression of this insolent stranger. The confederated nobles bound themselves by oath to expel Gaveston: both sides began already to put themselves in a warlike posture; the licentiousness of the age broke out in robberies and other disorders, the usual prelude of civil war; and the royal authority despised in the king's own hands, and hated in those of Gaveston, became insufficient for the execution of the laws, and the maintenance of peace in the kingdom. A parliament being summoned (A.D. 1308) at Westminster, Lancaster and his party came thither with an armed retinue, and were there enabled to impose their own terms on the sovereign. They required the banishment of Gaveston, imposed an oath on him never to return, and engaged the bishops, who never failed to interpose in all civil concerns, to pronounce him excommunicated, if he remained any longer in the kingdom (Trivet, cont. p. 5). Edward was obliged to submit (Rymer, vol. iii., p. 80); but even in his compliance gave proofs of his fond attachment to his favourite. Instead of removing all umbrage, by sending him to his own country as was expected, he appointed him Lord Lieutenant of Ireland (Ibid., p. 92; Murmuth, p. 39), attended him to Bristol on his journey thither, and before his departure conferred on him new lands and riches both in Gascony and England (Rymer, vol. iii., p. 87). Gaveston, who did not want bravery, and possessed talents for war (Heming, vol. i., p. 248; T. de la More, p. 593), acted during his government with vigour against some Irish rebels, whom he subdued.

Meanwhile the king, less shocked with the illegal violence which had been imposed upon him than unhappy in the absence of his minion, employed every expedient to soften the opposition of the barons to his return; as if success in that point was the chief object of his government. The high office of hereditary steward was conferred on Lancaster; his father-in-law, the Earl of Lincoln, was bought off by other concessions; Earl Warenne was also mollified by civilities, grants, or promises; the insolence of Gaveston, being no longer before men's eyes, was less the object of general indignation; and Edward, deeming matters sufficiently prepared for his purpose, applied to the court of Rome, and obtained for Gaveston a dispensation from that oath which the barons had compelled him to take, that he would for ever abjure the realm (Rymer, vol. iii., p. 167). He went down to Chester to receive him on his first landing from Ireland; flew into his arms with transports of joy; and having obtained the formal consent of the barons in parliament to his re-establishment, set no longer any bounds to his extravagant fondness and affection. Gaveston himself forgetting his past misfortunes, and blind to their causes, resumed the same ostentation and insolence, and became more than ever the object of general detestation among the nobility.

The barons first discovered their animosity by absenting themselves from parliament; and finding that this expedient had not been successful, they began to think of employing sharper and more effectual

remedies. Though there had scarcely been any national ground of complaint, except some dissipation of the public treasure; though all the acts of maladministration, objected to the king and his favourite, seemed of a nature more proper to excite heart-burnings in a ball or assembly, than commotions in a great kingdom; yet such was the situation of the times, that the barons were determined, and were able, to make them the reasons of a total alteration in the constitution and civil government. Having come to parliament (Feb. 7), in defiance of the laws and the king's prohibition, with a numerous retinue of armed followers, they found themselves entirely masters, and they presented a petition which was equivalent to a command, requiring Edward to devolve on a chosen junta the whole authority, both of the crown and of the parliament. The king was (March 16) obliged to sign a commission, empowering the prelates and barons to elect twelve persons, who should, till the term of Michaelmas, in the year following, have authority to enact ordinances for the government of the kingdom, and regulation of the king's household; consenting that these ordinances should, thenceforth, and for ever, have the force of laws; allowing the ordainers to form associations among themselves and their friends for their strict and regular observance, and all this for the greater glory of God, the security of the Church, and the honour and advantage of the king and his kingdom.<sup>1</sup> The barons in return signed a declaration, in which they acknowledged that they owed these concessions merely to the king's free grace, promised that this commission should never be drawn into precedent, and engaged that the power of the ordainers should expire at the time appointed (Brady's App., No. 51).

The chosen junta accordingly framed their ordinances, and presented them to the king and parliament (A.D. 1311) for their confirmation in the ensuing year. Some of these ordinances were laudable, and tended to the regular execution of justice; such as those requiring sheriffs to be men of property, abolishing the practice of issuing privy seals for the suspension of justice, restraining the practice of purveyance, prohibiting the adulteration and alteration of the coin, excluding foreigners from the farms of the revenue, ordering all payments to be regularly made into the exchequer, revoking all late grants of the crown, and giving the parties damages in the case of vexatious prosecutions. But what chiefly grieved the king, was the ordinance for the removal of evil counsellors, by which a great number of persons were by name excluded from every office of power and profit; and Piers Gaveston himself was for ever banished the king's dominions, under the penalty, in case of disobedience, of being declared a public enemy. Other persons, more agreeable to the barons, were substituted in all the offices. And it was ordained that, for the future, all the considerable dignities in the household, as well as in the law, revenues, and military governments, should be appointed by the 'baronage' in parliament; and the power of making war, or assembling his military tenants, should no longer be vested solely in the king, nor be exercised without the consent of the nobility.

Edward, from the same weakness both in his temper and situation, which had engaged him to grant this unlimited commission to the

<sup>1</sup> Brady's App., No. 50; Henning, vol. i., p. 247; Walsing., p. 97, Ryley, p. 526.



barons, was led to give a parliamentary sanction to their ordinances; but as a consequence of the same character he secretly made a protest against them, and declared that, since the commission was granted only for the making of ordinances to the advantage of king and kingdom, such articles as should be found prejudicial to both were to be held as not ratified and confirmed (Ryley's *Placit. Parl.*, pp. 530, 541). It is no wonder, indeed, that he retained a firm purpose to revoke ordinances which had been imposed on him by violence, which entirely annihilated the royal authority, and above all, which deprived him of the company and society of a person whom, by an unusual infatuation, he valued above all the world, and above every consideration of interest and tranquillity.

As soon, therefore, as Edward, removing to York had freed himself from the immediate terror of the barons' power, he invited back Gaveston from Flanders, which that favourite had made the place of his retreat, and declaring his banishment to be illegal and contrary to the laws and customs of the kingdom (Brady's *App.*, No 53; Walsing., p. 98), openly reinstated him in his former credit and authority. The barons, highly provoked at this disappointment, and apprehensive of danger to themselves from the declared animosity of so powerful a minion, saw that either his or their ruin was now inevitable; and they renewed with redoubled zeal their former confederacy against him. The Earl of Lancaster was a dangerous head of this alliance; Guy, Earl of Warwick, entered into it with a furious and precipitate passion; Humphrey Bohun, Earl of Hereford, the constable, and Aymer de Valence, Earl of Pembroke, brought to it a great accession of power and interest. Even Earl Warrenne deserted the royal cause which he had hitherto supported, and was induced to embrace the side of the confederates (Trivet, cont., p. 4); and as Robert de Winchelsea, Archbishop of Canterbury, professed himself of the same party, he determined the body of the clergy, and consequently the people, to declare against the king and his minion. So predominant at that time was the power of the great nobility that the combination of a few of them was always able to shake the throne; and such an universal concurrence became irresistible. The Earl of Lancaster suddenly raised an army and marched to York, where he found the king already removed to Newcastle (Walsing., p. 101). He flew thither in pursuit of him, and Edward had just time to escape to Tynemouth where he embarked and sailed with Gaveston to Scarborough. He left his favourite in that fortress, which, had it been properly supplied with provisions, was deemed impregnable; and he marched forward to York in hopes of raising an army which might be able to support him against his enemies. Pembroke was sent by the confederates to besiege the castle of Scarborough; and Gaveston, sensible of the bad condition of his garrison, was (May 19, A.D. 1312) obliged to capitulate, and to surrender himself prisoner (Walsing., p. 101). He stipulated that he should remain in Pembroke's hands for two months; that endeavours should during that time be mutually used for a general accommodation; that if the terms proposed by the barons were not accepted, the castle should be restored to him in the same condition as when he surrendered it; and that the Earl of Pembroke and Henry Piercy should by con-

tract pledge all their lands for the fulfilling of these conditions (Rymer, vol. ii., p. 324). Pembroke, now master of the person of this public enemy, conducted him to the castle of Dedington, near Banbury; where, on pretence of other business, he left him protected by a feeble guard (T. de la More, p. 593). Warwick, probably in concert with Pembroke, attacked the castle. The garrison refused to make any resistance. Gaveston was yielded up to him and conducted to Warwick Castle; the Earls of Lancaster, Hereford, and Arundel, immediately repaired thither (Dugdale Baron., vol. ii., p. 44), and without any regard either to the laws or the military capitulation, they (July 1) ordered the head of the obnoxious favourite to be struck off by the hands of the executioner.<sup>1</sup>

The king had retired northward to Berwick when he heard of Gaveston's murder, and his resentment was proportioned to the affection which he had ever borne him while living. He threatened vengeance on all the nobility who had been active in that bloody scene, and he made preparations for war in all parts of England. But being less constant in his enmities than in his friendships, he soon after hearkened to terms of accommodation; granted the barons a pardon of all offences; and as they stipulated to ask him publicly pardon on their knees (Ryley, p. 538; Rymer, vol. iii., p. 366), he was so pleased with these vain appearances of submission, that he seemed to have sincerely forgiven them all past injuries. But as they still pretended, notwithstanding their lawless conduct, a great anxiety for the maintenance of law, and required the establishment of their former ordinances as a necessary security for that purpose, Edward told them that he was willing to grant them a free and legal confirmation of such of these ordinances as were not entirely derogatory to the prerogative of the crown. This answer was received for the present as satisfactory. The king's person, after the death of Gaveston, was now become less obnoxious to the public, and as the ordinances insisted on appeared to be nearly the same with those which had formerly been extorted from Henry III. by Mountfort, and which had been attended with so many fatal consequences, they were on that account demanded with less vehemence by the nobility and people. The minds of all men seemed to be much appeased; the animosities of faction no longer prevailed; and England, now united under its head, would henceforth be able, it was hoped, to take vengeance on all its enemies, particularly on the Scots, whose progress was the object of general resentment and indignation.

Immediately after Edward's retreat from Scotland, Robert Bruce left his fastnesses in which he intended to have sheltered his feeble army; and supplying his defect of strength by superior vigour and abilities, he made deep impression on all his enemies, foreign and domestic. He chased Lord Argyll and the chieftain of the Macdougals from their hills, and made himself entirely master of the high country. He thence invaded with success the Comyns in the low countries of the north. He took the castles of Inverness, Forfar, and Brechin. He daily gained some new accession of territory, and what was a more important acquisition, he daily reconciled the minds of the nobility to

<sup>1</sup> Walsing., p. 101; T. de la More, p. 593; Trivet, cont. p. 9.

his dominion, and enlisted under his standard every bold leader whom he enriched by the spoils of his enemies. Sir James Douglas, in whom commenced the greatness and renown of that warlike family, seconded him in all his enterprises. Edward Bruce, Robert's own brother, distinguished himself by acts of valour, and the terror of the English power being now abated by the feeble conduct of the king, even the least sanguine of the Scots began to entertain hopes of recovering their independence, and the whole kingdom, except a few fortresses which he had not the means to attack, had acknowledged the authority of Robert.

In this situation Edward had found it necessary to grant a truce to Scotland, and Robert successfully employed the interval in consolidating his power and introducing order into the civil government, discontinued by a long continuance of wars and factions. The interval was very short, the truce, ill observed on both sides, was at last openly violated, and war recommenced with greater fury than ever. Robert, not content with defending himself, had made successful inroads into England, subsisted his needy followers by the plunder of that country, and taught them to despise the military genius of a people who had long been the object of their terror. Edward, at last roused from his lethargy, had marched an army into Scotland; and Robert, determined not to risk too much against an enemy so much superior, retired again into the mountains. The king advanced beyond Edinburgh, but being destitute of provisions, and being ill supported by the English nobility who were then employed in framing their ordinances, he was soon obliged to retreat without gaining any advantage over the enemy. But the apparent union of all the parties in England, after the death of Gaveston, seemed to restore that kingdom to its native force, opened again the prospect of reducing Scotland, and promised a happy conclusion to a war in which both the interests and passions of the nation were so deeply engaged.

Edward assembled forces from all quarters with a view of finishing at one blow this important enterprise. He summoned the most warlike of his vassals from Gascony; he enlisted troops from Flanders and other foreign countries; he invited over great numbers of the disorderly Irish as to a certain prey; he joined to them a body of the Welsh who were actuated by like motives; and assembling the whole military force of England, he marched to the frontiers with an army which, according to the Scotch writers, amounted to 100,000 men.

The army collected by Robert exceeded not 30,000 combatants; but being composed of men who had distinguished themselves by many acts of valour, who were rendered desperate by their situation, and who were inured to all the varieties of fortune, they might justly under such a leader be deemed formidable to the most numerous and best appointed armies. The castle of Stirling, which with Berwick was the only fortress in Scotland that remained in the hands of the English, had long been besieged by Edward Bruce. Philip de Mowbray, the governor, after an obstinate defence was at last obliged to capitulate, and to promise that if before a certain day, which was now approaching, he were not relieved, he should open his gates to the enemy (Rymer, vol. iii., p. 481). Robert, therefore, sensible that here was the ground on

which he must expect the English, chose the field of battle with all the skill and prudence imaginable, and made the necessary preparations for their reception. He posted himself at Bannockburn, about two miles from Stirling, where he had a hill on his right flank, and a morass on his left; and not content with having taken these precautions to prevent his being surrounded by the more numerous army of the English, he foresaw the superior strength of the enemy in cavalry, and made provision against it. Having a rivulet in front, he commanded deep pits to be dug along its banks, and sharp stakes to be planted in them, and he ordered the whole to be carefully covered over with turf (T. de la More, p. 594). The English arrived in sight on the evening, and a bloody conflict immediately ensued between two bodies of cavalry; where Robert, who was at the head of the Scots, engaged in single combat with Henry de Bohun, a gentleman of the family of Hereford, and at one stroke cleft his adversary to the chin with a battle-axe, in sight of the two armies. The English horse fled with precipitation to their main body.

The Scots, encouraged by this favourable event, and gloying in the valour of their prince, prognosticated a happy issue to the combat on the ensuing day; the English, confident in their numbers, and elated with former successes, longed for an opportunity of revenge; and the night, though extremely short in that season and in that climate, appeared tedious to the impatience of the several combatants. Early in the morning (June 25), Edward drew out his army, and advanced towards the Scots. The Earl of Gloucester, his nephew, who commanded the left wing of the cavalry, impelled by the ardour of youth, rushed on to the attack without precaution, and fell among the covered pits, which had been prepared by Bruce for the reception of the enemy (Ibid.). This body of horse was disordered; Gloucester himself was overthrown and slain; Sir James Douglas, who commanded the Scottish cavalry, gave the enemy no leisure to rally, but pushed them off the field with considerable loss, and pursued them in sight of their whole line of infantry. While the English army were alarmed with this unfortunate beginning of the action, which commonly proves decisive, they observed an army on the heights towards the left, which seemed to be marching leisurely in order to surround them; and they were distracted by their multiplied fears. This was a number of wagoners and sumpter-boys, whom Robert had collected; and having supplied them with military standards, gave them the appearance, at a distance, of a formidable body. The stratagem took effect; a panic seized the English; they threw down their arms and fled; they were pursued with great slaughter, for the space of ninety miles, till they reached Berwick; and the Scots, besides an inestimable booty, took many persons of quality prisoners, and above 400 gentlemen, whom Robert treated with great humanity (Ypod. Neust., p. 501), and whose ransom was a new accession of wealth to the victorious army. The king himself narrowly escaped by taking shelter in Dunbar, whose gates were opened to him by the Earl of March; and he thence passed by sea to Berwick.

Such was the great and decisive battle of Bannockburn, which secured the independence of Scotland, fixed Bruce on the throne of that kingdom and may be deemed the greatest overthrow that the

English nation, since the conquest, has ever received. The number of slain on those occasions is always uncertain, and is commonly much magnified by the victors; but this defeat made a deep impression on the minds of the English; and it was remarked that for some years no superiority of numbers could encourage them to keep the field against the Scots. Robert, in order to avail himself of his present success, entered England, and ravaged all the northern counties without opposition; he besieged Carlisle, but that place was saved by the valour of Sir Andrew Harcla, the governor; he was more successful against Berwick, which he took by assault; and this prince, elated by his continued prosperity, now entertained hopes of making the most important conquests on the English. He sent (A.D. 1315) over his brother Edward with an army of 6000 men into Ireland, and that nobleman assumed the title of king of that island; he himself followed soon after with more numerous forces: the horrible and absurd oppressions which the Irish suffered under the English government made them, at first, fly to the standard of the Scots, whom they regarded as their deliverers; but a grievous famine, which at that time desolated both Ireland and Britain, reduced the Scottish army to the greatest extremities; and Robert Bruce was obliged to return with his forces much diminished into his own country. His brother, after having experienced a variety of fortune, was defeated and slain near Dundalk by the English, commanded by Lord Beaumont; and these projects, too extensive for the force of the Scottish nation, thus vanished into smoke.

Edward, besides suffering those disasters from the invasion of the Scots and the insurrection of the Irish, was also infested with a rebellion in Wales; and, above all, by the factions of his own nobility, who took advantage of the public calamities, insulted his fallen fortunes, and endeavoured to establish their own independence on the ruins of the throne. Lancaster and the barons of his party, who had declined attending him on his Scottish expedition, no sooner saw him return with disgrace, than they insisted on the renewal of their ordinances, which, they still pretended, had validity; and the king's unhappy situation obliged him to submit to their demands. The ministry was new modelled by the direction of Lancaster (Ryley, p. 560; Rymer, vol. iii., p. 722). That prince was placed at the head of the council; it was declared that all the offices should be filled, from time to time, by the votes of parliament, or rather by the will of the great barons;<sup>1</sup> and the nation, under this new model of government, endeavoured to put itself in a better posture of defence against the Scots. But the factious nobles were far from being terrified with the progress of these public enemies; on the contrary, they founded the hopes of their own future grandeur on the weakness and distresses of the crown: Lancaster himself was suspected, with great appearance of reason, of holding a secret correspondence with the King of Scots; and though he was entrusted with the command of the English armies, he took care that every enterprise should be disappointed, and that every plan of operations should prove unsuccessful.

All the European kingdoms, especially that of England, were at this

<sup>1</sup> Brady, vol. ii., p. 222, from the records, App. No. 6x; Ryley, p. 560.

time unacquainted with the office of prime minister, so well understood at present in all regular monarchies; and the people could form no conception of a man who, though still in the rank of a subject, possessed all the power of a sovereign, eased the prince of the burden of affairs, supplied his want of experience or capacity, and maintained all the rights of the crown, without degrading the greatest nobles by their submission to his temporary authority. Edward was plainly, by nature, unfit to hold himself the reins of government; he had no vices, but was unhappy in a total incapacity for serious business; he was sensible of his own defects, and necessarily sought to be governed; yet every favourite whom he successively chose was regarded as a fellow-subject exalted above his rank and station; he was the object of envy to the great nobility; his character and conduct were decried with the people; his authority over the king and kingdom was considered as an usurpation; and unless the prince had embraced the dangerous expedient of devolving his power on the Earl of Lancaster or some mighty baron whose interest was so extensive as to be able alone to maintain his influence, he could expect no peace or tranquillity upon the throne.

The king's chief favourite, after the death of Gaveston, was Hugh le Despencer, or Spencer, a young man of English birth, of high rank, and of a noble family (Dugd. Baron, vol. i, p. 389). He possessed all the exterior accomplishments of person and address which were fitted to engage the weak mind of Edward; but was destitute of that moderation and prudence which might have qualified him to mitigate the envy of the great, and conduct him through all the perils of that dangerous station to which he was advanced. His father, who was of the same name, and who, by means of his son, had also attained great influence over the king, was a nobleman venerable from his years, respected through all his past life for wisdom, valour, and integrity, and well fitted, by his talents and experience, could affairs have admitted of any temperance, to have supplied the defects both of the king and of his minion (T. de la More, p. 594). But no sooner was Edward's attachment declared for young Spencer, than the turbulent Lancaster and most of the great barons regarded him as their rival, made him the object of their animosity, and formed violent plans for his ruin.<sup>1</sup> They first declared their discontent by withdrawing from parliament; and it was not long ere they found a pretence for proceeding to greater extremities against him.

The king, who set no limits to his bounty towards his minions, had (A.D. 1321) married the younger Spencer to his niece, one of the co-heirs of the Earl of Gloucester, slain at Bannockburn. The favourite, by his succession to that opulent family, had inherited great possessions in the marches of Wales (Tivet, cont., p. 25); and being desirous of extending still further his influence in those quarters, he is accused of having committed injustice on the Barons of Audley and Ammori, who had also married two sisters of the same family. There was likewise a baron in that neighbourhood, called William de Braouse, Lord of Gower, who had made a settlement of his estate on John de Mowbray, his son-in-law; and in case of failure of that nobleman and his issue, had substituted the Earl of Hereford in the succession to the barony

<sup>1</sup> Walsingham, p. 173; T. de la More, p. 595; Murimuth, p. 55.

of Gower. Mowbray, on the decease of his father-in-law, entered immediately in possession of the estate, without the formality of taking livery and seisin from the crown. but Spencer, who coveted that barony, persuaded the king to put in execution the rigour of the feudal law, to seize Gower as escheated to the crown, and to confer it upon him (Monach. Malines). This transaction, which was the proper subject of a lawsuit, immediately excited a civil war in the kingdom. The Earls of Lancaster and Hereford flew to arms, Audley and Ammon joined them with all their forces; the two Rogeis de Mortimer and Roger de Clifford, with many others, disgusted, for private reasons, at the Spencers, brought a considerable accession to the party, and their army being now formidable, they sent a message to the king, requiring him immediately to dismiss or confine the younger Spencer, and menacing him, in case of refusal, with renouncing their allegiance to him, and taking revenge on that minister by their own authority. They scarcely waited for an answer, but immediately fell upon the lands of young Spencer, which they pillaged and destroyed, murdered his servants, drove off his cattle, and burned his houses (Mumfuth, p. 55). They thence proceeded to commit like devastations on the estates of Spencer the father, whose character they had hitherto seemed to respect, and having drawn and signed a formal association among themselves,<sup>1</sup> they marched to London with all their forces, stationed themselves in the neighbourhood of that city, and demanded of the king the banishment of both the Spencers. These noblemen were then absent; the father abroad, the son at sea, and both of them employed in different commissions, the king therefore replied, that his coronation oath, by which he was bound to observe the laws, restrained him from giving his assent to so illegal a demand, or condemning noblemen who were accused of no crime, nor had any opportunity afforded them of making answer (Walsing., p. 114). Equity and reason were but a feeble opposition to men who had arms in their hands, and who, being already involved in guilt, saw no safety but in success and victory. They entered London with their troops, and giving in to the parliament, which was then sitting, a charge against the Spencers, of which they attempted not to prove one article, they procured, by menaces and violence, a sentence of attainder and perpetual exile against these ministers (Tottle's Collect., part II., p. 50, Walsing., p. 114). This sentence was voted by the lay barons alone; for the commons, though now an estate in parliament, were yet of so little consideration that their assent was not demanded, and even the votes of the prelates were neglected amidst the present disorders. The only symptom which these turbulent barons gave of their regard to law, was their requiring from the king an indemnity for their illegal proceedings,<sup>2</sup> after which they disbanded their army, and separated, in security, as they imagined, to their several castles.

This act of violence, in which the king was obliged to acquiesce, rendered his person and his authority so contemptible, that every one thought himself entitled to treat him with neglect. The queen, having occasion soon after to pass by the castle of Leeds, in Kent, which

<sup>1</sup> Tyrrel, vol. II., p. 280, from the register of C. C. Canterbury

<sup>2</sup> Tottle's Collect., part II., p. 54, Rymer, vol. III., p. 891.

belonged to the Lord Badlesmere, desired a night's lodging, but was refused admittance ; and some of her attendants, who presented themselves at the gate were killed.<sup>1</sup> The insult upon this princess, who had always endeavoured to live on good terms with the barons, and who joined them heartily in their hatred of the younger Spencer, was an action which nobody pretended to justify ; and the king thought that he might, without giving general umbrage, assemble an army and take vengeance on the offender. No one came to the assistance of Badlesmere, and Edward prevailed (Walsing., p. 115) ; but having now some forces on foot, and having concerted measures with his friends throughout England, he ventured to take off the mask, to attack all his enemies, and to recall the two Spencers, whose sentence he declared illegal, unjust, contrary to the tenor of the Great Charter, passed without the assent of the prelates, and extorted by violence from him and the estate of barons.<sup>2</sup> Still the commons were not mentioned by either party.

The king had now (A.D. 1322) got the start of the barons, an advantage which in those times was commonly decisive ; and he hastened with his army to the marches of Wales, the chief seat of the power of his enemies, whom he found totally unprepared for resistance. Many of the barons in those parts endeavoured to appease him by submission (Walsing., p. 115, Munimuth, p. 57) ; their castles were seized, and their persons committed to custody. But Lancaster, in order to prevent the total ruin of his party, summoned together his vassals and retainers ; declared his alliance with Scotland, which had long been suspected, received the promise of a reinforcement from that country, under the command of Randolph, Earl of Murray, and Sir James Douglas (Rymer, vol. iii., p. 958) ; and being joined by the Earl of Hereford, advanced with all his forces against the king, who had collected an army of 30,000 men, and was superior to his enemies. Lancaster posted himself at Burton-upon-Trent, and endeavoured to defend the passages of the river (Walsing., p. 115) ; but being disappointed in that plan of operations, this prince, who had no military genius, and whose personal courage was even suspected, fled with his army to the north, in expectation of being there joined by his Scottish allies (Ypod. Neust., p. 504). He was pursued by the king, and his army diminished daily, till he came to Boroughbridge, where he found Sir Andrew Harcla posted with some forces on the opposite side of the river, and ready to dispute the passage with him. He was (March 16th) repulsed in an attempt which he made to force his way ; the Earl of Hereford was killed, the whole army of the rebels was disconcerted, Lancaster himself was become incapable of taking any measures either for flight or defence, and he was seized without resistance by Harcla, and conducted to the king (T. de la More, p. 596 ; Walsing., p. 116). In those violent times, the laws were so much neglected on both sides, that even where they might without any sensible inconvenience have been observed, the conquerors deemed it unnecessary to pay any regard to them. Lancaster, who was guilty of open rebellion, and was taken in arms against his sovereign, instead

<sup>1</sup> Rymer, vol. iii., p. 89 ; Walsing., pp. 114, 115 ; T. de la More, p. 595 ; Munimuth, p. 56

<sup>2</sup> Rymer, vol. iii., p. 907 ; T. de la More, p. 595.



of being tried by the laws of his country, which pronounced the sentence of death against him, was condemned by a court-martial (Tyrrel, vol. ii., p. 291 from the records), and led to execution. Edward, however little vindictive in his natural temper, here indulged his revenge, and employed against the prisoner the same indignities which had been exercised by his orders against Gaveston. He was clothed in a mean attire, placed on a lean jade without a bridle, a hood was put on his head, and in this posture, attended by the acclamations of the people, this prince was conducted to an eminence near Pomfret, one of his own castles, and (23rd March, A.D. 1322) there beheaded (Leland's Coll., vol. i., p. 668).

Thus perished Thomas, Earl of Lancaster, prince of the blood, and one of the most potent barons that had ever been in England. His public conduct sufficiently discovers the violence and turbulence of his character; his private deportment appears not to have been more innocent, and his hypocritical devotion, by which he gained the favour of the monks and populace, will rather be regarded as an aggravation than an alleviation of his guilt. Badlesmere, Giffard, Barlet, Cheyney, Fleming, and about eighteen of the most notorious offenders, were afterwards condemned by a legal trial, and were executed. Many were thrown into prison; others made their escape beyond sea; some of the king's servants were rewarded from the forfeitures; Harcla received for his services the earldom of Carlisle, and a large estate, which he soon after forfeited with his life, for a treasonable correspondence with the King of Scotland. But the greater part of those vast escheats was seized by young Spencer, whose rapacity was insatiable. Many of the barons of the king's party were disgusted with this partial division of the spoils; the envy against Spencer rose higher than ever; the usual insolence of his temper, inflamed by success, impelled him to commit many acts of violence; the people, who always hated him, made him still more the object of aversion; all the relations of the attainted barons and gentlemen secretly vowed revenge; and though tranquillity was in appearance restored, the general contempt of the king, and odium against Spencer, bred dangerous humours, the source of future revolutions and convulsions.

In this situation no success could be expected from foreign wars; and Edward, after making one more fruitless attempt against Scotland, whence he retreated with dishonour, found it necessary to terminate hostilities with that kingdom by a truce of thirteen years (Rymer, vol. ii., p. 1022; Murimuth, p. 60). Robert, though his title to the crown was not acknowledged in the treaty, was satisfied with insuring his possession of it during so long a time. He had repelled with gallantry all the attacks of England, he had carried war both into that kingdom and into Ireland, he had rejected with disdain the Pope's authority, who pretended to impose his commands upon him, and oblige him to make peace with his enemies; his throne was firmly established, as well in the affections of his subjects as by force of arms, yet there naturally remained some inquietude in his mind, while at war with a state which, however at present disordered by faction, was of itself so much an over-match for him, both in riches and in numbers of people. And this truce was, at the same time, the

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more seasonable for England, because the nation was at that juncture threatened with hostilities from France.

Philip the Fair, King of France, who died in 1315, had left the crown to his son Lewis Hutin, who after a short reign, dying without male issue, was (A.D. 1324) succeeded by Philip the Long, his brother, whose death soon after made way for Charles the Fair, the youngest brother of that family. This monarch had some grounds of complaint against the king's ministers in Guienne; and as there was no common or equitable judge in that strange species of sovereignty, established by the feudal law, he seemed desirous to take advantage of Edward's weakness, and under that pretence, to confiscate all his foreign dominions (Rymer, vol. iv., pp. 74, 98). After an embassy by the Earl of Kent, the king's brother, had been tried in vain, Queen Isabella obtained permission to go over to Paris, and endeavour to adjust, in an amicable manner, the difference with her brother; but while she was making some progress in this negotiation, Charles started a new pretension, the justice of which could not be disputed, that Edward himself should appear in his court, and do homage for the fees which he held in France. But there occurred many difficulties in complying with this demand. Young Spencer, by whom the king was implicitly governed, had unavoidably been engaged in many quarrels with the queen, who aspired to the same influence; and though that awful princess, on her leaving England, had dissembled her animosity, Spencer, well acquainted with her secret sentiments, was unwilling to attend his master to Paris, and appear in a court where her credit might expose him to insults, if not to danger. He hesitated no less on allowing the king to make the journey alone; both fearing lest that easy prince should in his absence fall under other influence; and foreseeing the perils to which he himself should be exposed, if without the protection of royal authority he remained in England, where he was so generally hated. While these doubts occasioned delays and difficulties, Isabella proposed that Edward should resign the dominion of Guienne to his son, now thirteen years of age; and that the prince should come to Paris, and do the homage which every vassal owed to his superior lord. This expedient, which seemed so happily to remove all difficulties, was immediately embraced, Spencer was charmed with the contrivance; young Edward was sent to Paris; and the ruin covered under this fatal snare was never perceived or suspected by any of the English council.

The queen, on her arrival in France, had there found a great number of English fugitives, the remains of the Lancastrian faction; and their common hatred of Spencer soon begat a secret friendship and correspondence between them and that princess. Among the rest was young Roger Mortimer, a potent baron in the Welsh marches, who had been obliged with others, to make his submission to the king, had been condemned for high treason, but having received a pardon for his life, was afterwards detained in the Tower, with an intention of rendering his confinement perpetual. He was so fortunate as to make his escape into France; and being one of the most considerable persons now remaining of the party, as well as distinguished by his

<sup>1</sup> Rymer, vol. iv., pp. 7, 8, 20; T. de la More, p. 596; Walsing., p. 120; Ypod. Neust., p. 506.

violent animosity against Spencer, he was easily admitted to pay his court to Queen Isabella. The graces of his person and address advanced him quickly in her affections, he became her confident and counsellor in all her measures, and gaining ground daily upon her heart, he engaged her to sacrifice at last to her passion all the sentiments of honour and of fidelity to her husband (T. de la More, p. 568; Munimuth, p. 65). Hating now the man whom she had injured, and whom she never valued, she entered ardently into all Mortimer's conspiracies, and having artfully gotten into her hands the young prince and heir of the monarchy, she resolved on the utter ruin of the king, as well as of his favourite. She engaged her brother to take part in the same criminal purpose, her court was daily filled with the exiled barons, Mortimer lived in the most declared intimacy with her; a correspondence was secretly carried on with the malcontent party in England, and when Edward, informed of those alarming circumstances, required her speedily to return with the prince, she publicly replied, that she would never set foot in the kingdom till Spencer was for ever removed from his presence and councils, a declaration which procured her great popularity in England, and threw a decent veil over all her treasonable enterprises.

Edward endeavoured to put himself in a posture of defence (Rymer, vol. iv., pp. 184, 188, 225), but besides the difficulties arising from his own indolence and slender abilities, and the want of authority which of consequence attended all his resolutions, it was not easy for him, in the present state of the kingdom and revenue, to maintain a constant force ready to repel an invasion, which he knew not at what time or place he had reason to expect. All his efforts were unequal to the traitorous and hostile conspiracies which, both at home and abroad, were forming against his authority, and which were daily penetrating farther even into his own family. His brother, the Earl of Kent, a virtuous but weak prince, who was then at Paris, was engaged by his sister-in-law, and by the King of France, who was also his cousin-german, to give countenance to the invasion, whose sole object, he believed, was the expulsion of the Spencers, he prevailed on his elder brother, the Earl of Norfolk, to enter secretly into the same design, the Earl of Leicester, brother and heir of the Earl of Lancaster, had too many reasons for his hatred of these ministers to refuse his concurrence. Walter de Reynel, Archbishop of Canterbury, and many of the prelates, expressed their approbation of the queen's measures; several of the most potent barons, envying the authority of the favourite, were ready to fly to arms, the minds of the people, by means of some truths and many calumnies, were strongly disposed to the same party; and there needed but the appearance of the queen and prince, with such a body of foreign troops as might protect her against immediate violence, to turn all this tempest, so artfully prepared, against the unhappy Edward.

Charles, though he gave countenance and assistance to the faction, was ashamed openly to support the queen and prince against the authority of a husband and father, and Isabella was obliged to court the alliance of some other foreign potentate, from whose dominions she might set out on her intended enterprise. For this purpose, she

(A.D. 1326) affianced young Edward, whose tender age made him incapable to judge of the consequences, with Philippa, daughter of the Count of Holland and Hainault (T. de la More, p. 598); and having, by the open assistance of this prince, and the secret protection of her brother, enlisted in her service near 3000 men, she set sail from the harbour of Dort, and (Sept. 24) landed safely, and without opposition, on the coast of Suffolk. The Earl of Kent was in her company; two other princes of the blood, the Earl of Norfolk and the Earl of Leicester, joined her soon after her landing, with all their followers; three prelates, the Bishops of Ely, Lincoln, and Hereford, brought her both the force of their vassals and the authority of their character;<sup>1</sup> even Robert de Watteville, who had been sent by the king to oppose her progress in Suffolk, deserted to her with all his forces. To render her cause more favourable, she renewed her declaration, that the sole purpose of her enterprise was to free the king and kingdom from the tyranny of the Spencers, and of Chancellor Baldock, their creature (Ypod. Neust., p. 508). The populace was allured by her specious pretences; the barons thought themselves secure against forfeitures by the appearances of the prince in her army; and a weak, irresolute king, supported by ministers generally odious, was unable to stem this torrent which bore with such irresistible violence against him.

Edward, after trying in vain to rouse the citizens of London to some sense of duty (Walsing., p. 123), departed for the West, where he hoped to meet with better reception; and he had no sooner discovered his weakness by leaving the city, than the rage of the populace broke out without control against him and his ministers. They first plundered, then murdered all those who were obnoxious to them; they seized the Bishop of Exeter, a virtuous and loyal prelate, as he was passing through the streets, and having beheaded him, they threw his body into the river.<sup>2</sup> They made themselves masters of the Tower by surprise; then entered into a formal association to put to death, without mercy, every one who should dare to oppose the enterprise of Queen Isabella, and of the prince (Walsing., p. 124). A like spirit was soon communicated to all other parts of England, and threw the few servants of the king, who still entertained thoughts of performing their duty, into terror and astonishment.

Edward was hotly pursued by the Earl of Kent, seconded by the foreign forces under John de Hainault. He found himself disappointed in his expectations with regard to the loyalty of those parts, and he passed over to Wales, where, he flattered himself, his name was more popular, and which he hoped to find uninfected with the contagion of general rage which had seized the English (Murimuth, p. 67). The elder Spencer, created Earl of Winchester, was left governor of the castle of Bristol, but the garrison mutinied against him, and he was delivered into the hands of his enemies. This venerable noble, who had nearly reached his ninetieth year, was instantly, without trial, or witness, or accusation, or answer, condemned to death by the rebellious barons: he was hanged on a gibbet; his body was cut in pieces,

<sup>1</sup> Walsing., p. 123; Ypod. Neust., p. 507; T. de la More, p. 598; Murimuth, p. 66.

<sup>2</sup> Walsing., p. 124; T. de la More, p. 599; Murimuth, p. 66.

and thrown to the dogs;<sup>1</sup> and his head was sent to Winchester, the place whose title he bore, and was there set on a pole, and exposed to the insults of the populace.

The king, disappointed anew in his expectations of succour from the Welsh, took shipping for Ireland; but being driven back by contrary winds, he endeavoured to conceal himself in the mountains of Wales, he was soon discovered, was put under the custody of the Earl of Leicester, and was confined in the castle of Kenilworth. The younger Spencer, his favourite, who also fell into the hands of his enemies, was executed like his father, without any appearance of a legal trial (Walsing., p. 125, Ypod Neust, p. 508), the Earl of Arundel, almost the only man of his rank in England who had maintained his loyalty, was, without any trial, put to death at the instigation of Mortimer; Baldock, the chancellor, being a priest, could not with safety be so suddenly despatched, but being sent to the Bishop of Hereford's palace in London, he was there, as his enemies probably foresaw, seized by the populace, was thrown into Newgate, and soon after expired from the cruel usage which he had received (Walsingham, p. 126; Munimuth, p. 68). Even the usual reverence paid to the sacerdotal character gave way, with every other consideration, to the present rage of the people.

The queen, to avail herself of the prevailing delusion, summoned, in the king's name, a parliament at Westminster; where, together with the power of her army, and the authority of her partisans among the barons, who were concerned to secure their past treasons by committing new acts of violence against their sovereign, she expected to be seconded by the fury of the populace, the most dangerous of all instruments, and the least answerable for their excesses. A charge was (A.D. 1327, Jan. 13) drawn up against the king, in which, even though it was framed by his inveterate enemies, nothing but his narrow genius or his misfortunes were objected to him; for the greatest malice found no particular crime with which it could reproach this unhappy prince. He was accused of incapacity for government, of wasting his time in idle amusements, of neglecting public business, of being swayed by evil counsellors, of having lost by misconduct the kingdom of Scotland and part of Guienne; and to swell the charge, even the death of some barons, and the imprisonment of some prelates convicted of treason, were laid to his account (Kynghiton, pp. 2765, 2766; Brady's App., No. 72). It was in vain, amidst the violence of arms and tumult of the people, to appeal either to law or to reason; the deposition of the king, without any appearing opposition, was voted by parliament, the prince, already declared regent by his party (Rymer, vol. iv, p. 137; Walsing., p. 125), was placed on the throne; and a deputation was sent to Edward at Kenilworth, to require his resignation, which menaces soon extorted from him.

But it was impossible that the people, however corrupted by the barbarity of the times, still further inflamed by faction, could for ever remain insensible to the voice of nature. Here, a wife had first deserted, next invaded, and then dethroned her husband; had made

<sup>1</sup> Leland's Coll., vol. 1., p. 673, T. de la More, p. 599; Walsing., p. 125; M. Froussart, liv. 1., chap. 13.

her minor son an instrument in this unnatural treatment of his father; had, by lying pretences, seduced the nation into a rebellion against their sovereign; had pushed them into violence and cruelties that had dishonoured them: all those circumstances were so odious in themselves, and formed such a complicated scene of guilt, that the least reflection sufficed to open men's eyes, and make them detest this flagrant infringement of every public and private duty. The suspicions which soon arose of Isabella's criminal commerce with Mortimer, the proofs which daily broke out of this part of her guilt, increased the general abhorrence against her, and her hypocrisy, in publicly bewailing with tears the king's unhappy fate (Walsing., p. 126), was not able to deceive even the most stupid and most prejudiced of her adherents. In proportion as the queen became the object of public hatred, the dethroned monarch, who had been the victim of her crimes and her ambition, was regarded with pity, with friendship, with veneration; and men became sensible that all his misconduct which faction had so much exaggerated, had been owing to the unavoidable weakness, not to any voluntary depravity, of his character. The Earl of Leicester, now Earl of Lancashire, to whose custody he had been committed, was soon touched with those generous sentiments; and besides using his prisoner with gentleness and humanity, he was suspected to have entertained still more honourable intentions in his favour. The king therefore was taken from his hands, and delivered over to Lord Berkeley, and Mautiavers and Gournay, who were entrusted alternately, each for a month, with the charge of guarding him. While he was in the custody of Berkeley, he was still treated with the gentleness due to his rank and his misfortunes; but when the turn of Mautiavers and Gournay came, every species of indignity was practised against him, as if their intention had been to break entirely the prince's spirit, and to employ his sorrows and afflictions, instead of more violent and more dangerous expedients, for the instrument of his murder (Anonymi Hist., p. 838). It is reported that one day, when Edward was to be shaved, they ordered cold and dirty water to be brought from the ditch for that purpose; and when he desired it to be changed, and was still denied his request, he burst into tears, which bedewed his cheeks; and he exclaimed, that, in spite of their insolence, he should be shaved with clean and warm water (T. de la More, p. 602). But as this method of laying Edward in his grave appeared still too slow to the impatient Mortimer, he secretly sent orders to the two keepers who were at his devotion, instantly to despatch him; and these ruffians contrived to make the manner of his death as cruel and barbarous as possible. Taking advantage of Berkeley's sickness, in whose custody he then was, and who was thereby incapacitated from attending his charge (Cotton's Abridg., p. 8), they came to Berkeley Castle, and put themselves in possession of the king's person. They (Sept. 21) threw him on a bed; held him down violently with a table, which they flung over him; thrust into his fundament a red-hot iron, which they inserted through a horn; and though the outward marks of violence upon his person were prevented by this expedient, the horrid deed was discovered to all the guards and attendants by the screams with which the agonizing king filled the castle, while his bowels were consuming.

Gournay and Mautravers were held in general detestation; and when the ensuing revolution in England threw their protectors from power, they found it necessary to provide for their safety by flying the kingdom. Gournay was afterwards seized at Marseilles, delivered over to the Seneschal of Guienne, put on board a ship with a view of carrying him to England, but was beleaguered at sea by secret orders, as was supposed, from some nobles and prelates in England, anxious to prevent any discovery which he might make of his accomplices. Mautravers concealed himself for several years in Germany, but having found means of rendering some service to Edward III, he ventured to approach his person, threw himself on his knees before him, submitted to mercy, and received a pardon.<sup>1</sup>

It is not easy to imagine a man more innocent and inoffensive than the unhappy king whose tragical death we have related, nor a prince less fitted for governing that fierce and turbulent people subjected to his authority. He was obliged to devolve on others the weight of government which he had neither ability nor inclination to bear, the same indolence and want of penetration led him to make choice of ministers and favourites who were not always the best qualified for the trust committed to them, the seditious grandees, pleased with his weakness, yet complaining of it, under the pretence of attacking his ministers, insulted his person and invaded his authority; and the impatient populace, mistaking the source of their grievances, threw all the blame upon the king, and increased the public disorders by their faction and violence. It was in vain to look for protection from the laws, whose voice, always feeble in those times, was not heard amidst the din of arms; what could not defend the king was less able to give shelter to any of the people, the whole machine of government was torn in pieces with fury and violence; and men, instead of regretting the manners of their age, and the form of their constitution, which required the most steady and most skilful hand to conduct them, imputed all errors to the person who had the misfortune to be entrusted with the reins of empire.

But though such mistakes are natural and almost unavoidable while the events are recent, it is a shameful delusion in modern historians to imagine that all the ancient princes, who were unfortunate in their government, were also tyrannical in their conduct, and that the seditions of the people always proceeded from some invasion of their privileges by the monarch. Even a great and good king was not in that age secure against faction and rebellion, as appears in the case of Henry II.; but a great king had the best chance, as we learn from the history of the same period, for quelling and subduing them. Compare the reigns and characters of Edward I and II. The father made several violent attempts against the liberties of the people, his barons opposed him, he was obliged, at least found it prudent, to submit, but as they dreaded his valour and abilities, they were content with reasonable satisfaction, and pushed no farther their advantages against him. The facility and weakness of the son, not his violence, threw everything into confusion; the laws and government were overturned, an attempt to reinstate them was an unpardonable crime; and no atone-

<sup>1</sup> Cotton's Abridg., pp 66, 82; Rymcr, vol v, p 600.

ment, but the deposition and tragical death of the king himself, could give those barons contentment. It is easy to see that a constitution which depended so much on the personal character of the prince, must necessarily, in many of its parts, be a government of will, not of laws. But always to throw, without distinction, the blame of all disorders upon the sovereign, would introduce fatal errors in politics, and serve as a perpetual apology for treason and rebellion; as if the turbulence of the great, and the madness of the people, were not, equally with the tyranny of princes, evils incident to human society, and no less carefully to be guarded against in every well-regulated constitution.

While these abominable scenes passed in England, the theatre of France was stained with a wickedness equally barbarous, and still more public and deliberate. The order of knights-templars had arisen during the first fervour of the Crusades; and uniting the two qualities, the most popular in that age, devotion and valour, and exercising both in the most popular of all enterprises, the defence of the Holy Land, they had made rapid advances in credit and authority, and had acquired, from the piety of the faithful, ample possessions in every country of Europe, especially of France. The great riches, joined to the course of time, had, by degrees, relaxed the severity of these virtues, and the templars had in a great measure lost that popularity which first raised them to honour and distinction. Acquainted from experience with the fatigues and dangers of those fruitless expeditions to the East, they rather chose to enjoy in ease their opulent revenues in Europe, and being all men of birth, educated, according to the custom of that age, without any tincture of letters, they scorned the ignoble occupations of monastic life, and passed their time wholly in the fashionable amusements of hunting, gallantry, and the pleasures of the table. Their rival order, that of St. John of Jerusalem, whose poverty had as yet preserved them from like corruptions, still distinguished themselves by their enterprises against the infidels, and succeeded to all the popularity which was lost by the indolence and luxury of the templars. But though these reasons had weakened the foundations of this order, once so celebrated and revered, the immediate cause of their destruction proceeded from the cruel and vindictive spirit of Philip the Fair, who, having entertained a private disgust against some eminent templars, determined to gratify at once his avidity and revenge, by involving the whole order in an undistinguished ruin. On no better information than that of two knights, condemned by their superiors to perpetual imprisonment for their vices and profligacy, he ordered on one day all the templars in France to be committed to prison, and imputed to them such enormous and absurd crimes as are sufficient of themselves to destroy all the credit of the accusation. Besides their being universally charged with murder, robbery, and vices the most shocking to nature; every one, it was pretended, whom they received into their order, was obliged to renounce his Saviour, to spit upon the cross (Rymer, vol. iii., pp. 31, 101), and to join to this impiety the superstition of worshipping a gilded head, which was secretly kept in one of their houses at Marseilles. They also initiated, it was said, every candidate by such infamous rites as could serve to no other purpose than to degrade the order in his eyes, and destroy for ever the authority of all his superiors



over him.<sup>1</sup> Above a hundred of these unhappy gentlemen were put to the question, in order to extort from them a concession of their guilt; the more obstinate perished in the hands of their tormentors, several, to procure immediate ease in the violence of their agonies, acknowledged whatever was required of them, forged confessions were imputed to others, and Philip, as if their guilt were now certain, proceeded to a confiscation of all their treasures. But no sooner were the templars relieved from their tortures, than, preferring the most cruel execution to a life with infamy, they disavowed their confessions, exclaimed against the forgeries, justified the innocence of their order, and appealed to all the gallant actions performed by them in ancient or later times, as a full apology for their conduct. The tyrant, enraged at this disappointment, and thinking himself now engaged in honour to proceed to extremities, ordered fifty-four of them, whom he branded as relapsed heretics, to perish by the punishment of fire in his capital, great numbers expired after a like manner in other parts of the kingdom; and when he found that the perseverance of these unhappy victims, in justifying to the last their innocence, had made deep impression on the spectators, he endeavoured to overcome the constancy of the templars by new inhumanities. The grand master of the order, John de Molay, and another great officer, brother to the sovereign of Dauphiny, were conducted to a scaffold, erected before the Church of Notredame, at Paris; a full pardon was offered them on the one hand; the fire, destined for their execution, was shown them on the other; these gallant nobles still persisted in the protestations of their own innocence and that of their order, and were instantly hurried into the flames by the executioner (Verot, vol. ii., p. 142).

In all this barbarous injustice, Clement V. who was the creature of Philip, and then resided in France, fully concurred, and without examining a witness or making any inquiry into the truth of facts, he summarily, by the plenitude of his apostolic power, abolished the whole order. The templars all over Europe were thrown into prison, their conduct underwent a strict scrutiny, the power of their enemies still pursued and oppressed them, but nowhere, except in France, were the smallest traces of their guilt pretended to be found. England sent an ample testimony of their piety and morals, but as the order was now annihilated, the knights were distributed into several convents, and their possessions were, by command of the Pope, transferred to the order of St. John.<sup>2</sup> We now proceed to relate some other detached transactions of the present period.

The kingdom of England was afflicted with a grievous famine during several years of this reign. Perpetual rains and cold weather not only destroyed the harvest, but bled a mortality among the cattle and raised every kind of food to an enormous price (Tivet, cont. pp. 17, 18). The parliament in 1315 endeavoured to fix more moderate rates to commodities, not sensible that such an attempt was impracticable, and that were it possible to reduce the price of provisions by any other expedient than by introducing plenty, nothing could be more pernicious

<sup>1</sup> It was pretended, that he kissed the knights who received him on the mouth, navel, and breech. Dupuy, pp. 15, 16, Wals., p. 99.

<sup>2</sup> Rymer, vol. iii., pp. 323, 356, vol. iv., p. 47, Ypod. Neust., p. 506

and destructive to the public. Where the produce of a year, for instance, falls so far short as to afford full subsistence only for nine months, the only expedient for making it last all the twelve, is to raise the prices, to put the people by that means on short allowance, and oblige them to save their food till a more plentiful season. But in reality, the increase of prices is a necessary consequence of scarcity; and laws, instead of preventing it, only aggravate the evil by cramping and restraining commerce. The parliament accordingly in the ensuing year, repealed their ordinance, which they had found useless and burdensome (Wals., p. 107).

The prices affixed by the parliament are somewhat remarkable:—three pounds twelve shillings of our present money for the best stalled ox; for other oxen, two pounds eight shillings; a fat hog of two years old, ten shillings; a fat wether unshorn, a crown, if shorn, three shillings and sixpence; a fat goose, sevenpence-halfpenny; a fat capon, sixpence; a fat hen, threepence; two chickens, threepence; four pigeons, threepence, two dozen of eggs, threepence.<sup>1</sup> If we consider these prices, we shall find that butcher's meat in this time of great scarcity, must still have been sold by the parliamentary ordinance, three times cheaper than our middling prices at present; poultry somewhat lower, because being now considered as a delicacy, it has risen beyond its proportion. In the country places of Ireland and Scotland, where delicacies bear no price, poultry is at present as cheap, if not cheaper than butcher's meat. But the inference I would draw from the comparison of prices is still more considerable; I suppose that the rates affixed by parliament, were inferior to the usual market prices in those years of famine and mortality of cattle, and that these commodities, instead of a third, had really risen to a half of the present value. But the famine at that time was so consuming, that wheat was sometimes sold for above four pounds ten shillings a quarter,<sup>2</sup> usually for three pounds (Ypod. Neust., p. 502; Trivet, cont., p. 18), that is twice our middling prices; a certain proof of the wretched state of tillage in those ages. We formerly found that the middling price of corn in that period was half of the present price, while the middling price of cattle was only an eighth part; we here find the same immense disproportion in years of scarcity. It may thence be inferred with certainty, that the raising of corn was a species of manufactory which few in that age could practise with advantage; and there is reason to think that other manufactures more refined, were sold even beyond their present prices; at least there is a demonstration for it in the reign of Henry VII. from the rates affixed to scarlet and other broad-cloth by act of parliament. During all those times, it was usual for the princes and great nobility to make settlements of their velvet beds and silken robes, in the same manner as of their estates and manors (Dugdale, passim). In the list of jewels and plate which had belonged to the ostentatious Gaveston, and which the king recovered from the Earl of Lancaster after the murder of that favourite, we find some embroidered girdles, flowered shirts, and silk waistcoats (Rymer, vol. iii., p. 388). It was afterwards one article of accusation against

<sup>1</sup> Rot. Parl. 7 Ed. II., nov. 75, 16; Ypod. Neust., p. 502.

<sup>2</sup> Murimuth, p. 48; Walsingham, p. 208, says it rose to six pounds.

that potent and opulent earl when he was put to death, that he had purloined some of that finery of Gaveston's. The ignorance of those ages in manufactures, and still more their unskilful husbandry, seem a proof that the country was then far from being populous.

All trade and manufactures indeed were then at a very low ebb. The only country in the northern parts of Europe where they seem to have risen to a tolerable degree of improvement, was Flanders. When Robert, earl of Flanders, was applied to by the king, and was desired to break off commerce with the Scots, whom Edward called his rebels, and represented as excommunicated on that account by the church, the earl replied, that Flanders was always considered as common, and free and open to all nations (Rymei, vol. iii., p. 770).

The petition of the elder Spencer to parliament, complaining of the devastation committed on his lands by the barons, contains several particulars which are curious, and discover the manners of the age.<sup>1</sup> He affirms that they had ravaged sixty-three manors belonging to him, and he makes his losses amount to 46,000*l.*, that is, to 138,000*l.* of our present money. Among other particulars, he enumerates 28,000 sheep, 1000 oxen and heifers, 1200 cows with their breed for two years, 560 cart-horses, 2000 hogs, together with 600 bacon, 80 carcasses of beef, and 600 muttons in the larder; ten tuns of cider, arms for 200 men, and other warlike engines and provisions. The plain inference is, that the greater part of Spencer's vast estate as well as the estates of other nobility, was farmed by the landlord himself, managed by his stewards or bailiffs, and cultivated by his villains. Little or none of it was let on lease to husbandmen; its produce was consumed in rustic hospitality by the baron or his officers; a great number of idle retainers, ready for any disorder or mischief, were maintained by him, all who lived upon his estate were absolutely at his disposal; instead of applying to courts of justice, he usually sought redress by open force and violence; the great nobility were a kind of independent potentates who, if they submitted to any regulations at all were less governed by the municipal law, than by a rude species of the law of nations. The method in which we find they treated the king's favourites and ministers, is a proof of their usual way of dealing with each other. A party which complains of the arbitrary conduct of ministers, ought naturally to affect a great regard for the laws and constitution, and maintain at least the appearance of justice in their proceedings; yet those barons, when discontented, came to parliament with an armed force, constrained the king to assent to their measures, and without any trial or witness or conviction, passed, from the pretended notoriety of facts, an act of banishment or attainder against the minister, which on the first revolution of fortune, was reversed by like expedients. The parliament during factious times was nothing but the organ of present power. Though the persons of whom it was chiefly composed seemed to enjoy great independence, they really possessed no true liberty; and the security of each individual among them was not so much derived from the general protection of law, as from his own private power and that of his confederates. The authority of the monarch, though far from absolute, was irregular, and might

<sup>1</sup> Brady's Hist., vol. ii., p. 243, from Claus. 15, Edw. II., m. 24. Dors. in cedula.

often reach him; the current of a faction might overwhelm him; a hundred considerations of benefits and injuries, friendships and animosities, hopes and fears, were able to influence his conduct; and amidst these motives a regard to equity and law and justice was commonly, in those rude ages, of little moment. Nor did any man entertain thoughts of opposing present power, who did not deem himself strong enough to dispute the field with it by force, and was not prepared to give battle to the sovereign or the ruling party.

Before I conclude this reign, I cannot forbear making another remark, drawn from the detail of losses given in by the elder Spencer; particularly the great quantity of salted meat which he had in his larder, 600 bacons, 80 carcasses of beef, 600 muttons. We may observe that the outrage of which he complained, began after the third of May, or the eleventh new style, as we learn from the same paper. It is easy therefore to conjecture what a vast store of the same kind he must have laid up at the beginning of winter, and we may draw a new conclusion with regard to the wretched state of ancient husbandry, which could not provide subsistence for the cattle during winter, even in such a temperate climate as the south of England, for Spencer had but one manor so far north as Yorkshire. There being few or no inclosures, except perhaps for deer, no sown grass, little hay, and no other resource for feeding cattle, the barons as well as the people, were obliged to kill and salt their oxen and sheep in the beginning of winter, before they became lean upon the common pasture; a precaution still practised with regard to oxen in the least cultivated parts of this island. The salting of mutton is a miserable expedient, which has everywhere been long disused. From this circumstance, however trivial in appearance, may be drawn important inferences with regard to the domestic economy and manner of life in those ages.

The disorders of the times, from foreign wars and intestine dissensions, but above all, the cruel famine which obliged the nobility to dismiss many of their retainers, increased the number of robbers in the kingdom; and no place was secure from their incursions (Ypod. Neust., p. 502; Wals., p. 107). They met in troops like armies, and overran the country. Two cardinals themselves, the Pope's legates, notwithstanding the numerous train which attended them, were robbed and despoiled of their goods and equipage, when they travelled on the highway.<sup>1</sup>

Among the other wild fancies of the age, it was imagined that the persons affected with leprosy, a disease at that time very common, probably from bad diet, had conspired with the Saracens to poison all the springs and fountains, and men being glad of any pretence to get rid of those who were a burthen to them, many of those unhappy people were burnt alive on this chimerical imputation. Several Jews also were punished in their persons, and their goods were confiscated on the same account (Ypod. Neust., p. 504).

Stowe, in his survey of London, gives us a curious instance of the hospitality of the ancient nobility in this period; it is taken from the accounts of the cofferer or steward of Thomas, Earl of Lancaster, and contains the expenses of that earl during the year 1313, which was not

<sup>1</sup> Ypod. Neust., p. 503; T. de la More, p. 594; Trivet, cont., p. 22; Murimuth, p. 42.

a year of famine. For the pantry, buttery, and kitchen, 3405*l*. For 369 pipes of red wine and two of white, 104*l*., etc. The whole 7309*l*.; that is near 22,000*l*. of our present money, and making allowance for the cheapness of commodities, near a hundred thousand pounds.

I have seen a French manuscript containing accounts of some private disbursements of this king. There is an article among others, of a crown paid to one for making the king laugh. To judge by the events of the reign, this ought not to have been an easy undertaking.

This king left four children, two sons and two daughters. Edward, his son and successor; John, created afterwards Earl of Cornwall, who died young at Peith; Jane, afterwards married to David Bruce, King of Scotland; and Eleanor, married to Reginald, Count of Gueldres.

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## CHAPTER XV.

### EDWARD III.

*War with Scotland—Execution of the Earl of Kent—Execution of Mortimer, Earl of March—State of Scotland—War with that kingdom—King's claim to the crown of France—Preparations for war with France.—War—Naval victory.—Domestic disturbances.—Affairs of Brittany.—Renewal of the war with France—Invasion of France.—Battle of Crecy—War with Scotland—Captivity of the King of Scots.—Calais taken.*

THE violent party, which had taken arms against Edward II. and finally deposed that unfortunate monarch, deemed it requisite for their future security to pay so far an exterior obedience to the law, as to desire a parliamentary indemnity for all their illegal proceedings; on account of the necessity, which, it was pretended, they lay under, of employing force against the Spencers and other evil counsellors, enemies of the kingdom. All the attainers also, which had passed against the Earl of Lancaster and his adherents, when the chance of war turned against them, were easily reversed during the triumph of their party (Rymei, vol. iv., pp. 245, 257, 258, etc.), and the Spencers, whose former attainer had been reversed by parliament, were now again, in this change of fortune, condemned by the votes of their enemies. A council of regency was (A.D. 1327, Jan. 20) likewise appointed by parliament, consisting of twelve persons, five prelates, the Archbishops of Canterbury and York, the Bishops of Winchester, Worcester, and Hereford; and seven lay peers, the Earls of Norfolk, Kent, and Surrey, and the Lords Wake, Ingham, Piccy, and Ross. The Earl of Lancaster was appointed guardian and protector of the king's person. But though it was reasonable to expect that as the weakness of the former king had given reins to the licentiousness of the barons, great domestic tranquillity would not prevail during the present minority, the first disturbance arose from an invasion by foreign enemies.

The King of Scots declining in years and health, but retaining still that martial spirit which had raised his nation from the lowest ebb of

fortune, deemed the present opportunity favourable for infesting England. He first made an attempt on the castle of Norham, in which he was disappointed; he then collected an army of 25,000 men on the frontiers, and having given the command to the Earl of Murray and Lord Douglas, threatened an incursion into the northern counties. The English regency, after trying in vain every expedient to restore peace with Scotland, made vigorous preparations for war; and besides assembling an English army of near 60,000 men, they invited back John of Hainault and some foreign cavalry, whom they had dismissed, and whose discipline and arms had appeared superior to those of their own country. Young Edward himself, burning with a passion for military fame, appeared at the head of these numerous forces; and marched from Durham, the appointed place of rendezvous, in quest of the enemy, who had already broken into the frontiers, and were laying everything waste around them.

Murray and Douglas were the two most celebrated warriors bred in the long hostilities between the Scots and English; and their forces, trained in the same school, and inured to hardships, fatigues, and dangers, were perfectly qualified, by their habits and manner of life, for that desultory and destructive war which they carried into England. Except a body of about 4000 cavalry, well armed, and fit to make a steady impression in battle, the rest of the army were light-armed troops, mounted on small horses, which found subsistence everywhere, and carried them with rapid and unexpected marches, whether they meant to commit depredations on the peaceable inhabitants, or to attack an armed enemy, or to retreat into their own country. Their whole equipage consisted of a bag of oatmeal, which, as a supply in case of necessity, each soldier carried behind him; together with a light plate of iron, on which he instantly baked the meal into a cake, in the open fields. But his chief subsistence was the cattle which he seized; and his cookery was as expeditious as all his other operations. After flaying the animal, he placed the skin loose and hanging in the form of a bag, upon some stakes; he poured water into it, kindled a fire below, and thus made it serve as a caldron for the boiling of his victuals (Froissard, liv. iv., chap. 18).

The chief difficulty which Edward met with, after composing some dangerous frays which broke out between his foreign forces and the English (Ibid., liv. i., chap. 17), was to come up with an army so rapid in its marches, and so little encumbered in its motions. Though the flame and smoke of burning villages directed him sufficiently to the place of their encampment, he found, upon hurrying thither, that they had already dislodged; and he soon discovered, by new marks of devastation, that they had removed to some distant quarter. After harassing his army during some time in this fruitless chase, he advanced northwards, and crossed the Tyne, with a resolution of awaiting them on their return homewards, and taking vengeance for all their depredations (Ibid., liv. iv., chap. 19). But that whole country was already so much wasted by their frequent incursions, that it could not afford subsistence to his army; and he was obliged again to return southwards, and change his plan of operations. He had now lost all track of the enemy; and though he promised the reward of a hundred pounds a

year to any one who should bring him an account of their motions, he remained inactive some days, before he received any intelligence of them (Rymer, vol iv, p 312, Froissard, liv iv, chap. 19). He found at last that they had fixed their camp on the southern banks of the Wear, as if they intended to await a battle, but their prudent leaders had chosen the ground with such judgment, that the English, on their approach, saw it impracticable, without temerity, to cross the river in their front, and attack them in their present situation. Edward, impatient for revenge and glory, here sent them a defiance, and challenged them, if they dared, to meet him in an equal field, and try the fortune of arms. The bold spirit of Douglas could ill brook this bravado, and he advised the acceptance of the challenge, but he was overruled by Murray, who replied to Edward, that he never took the counsel of an enemy in any of his operations. The king therefore kept still his position opposite to the Scots, and daily expected, that necessity would oblige them to change their quarters, and give him an opportunity of overwhelming them with superior forces. After a few days, they suddenly decamped, and marched farther up the river, but still posted themselves in such a manner, as to preserve the advantage of the ground, if the enemy should venture to attack them (Froissard, liv iv, chap. 19). Edward insisted that all hazards should be run, rather than allow these ravagers to escape with impunity; but Mortimer's authority prevented the attack, and opposed itself to the valour of the young monarch. While the armies lay in this position, an incident happened which had well-nigh proved fatal to the English. Douglas, having gotten the word, and surveyed exactly the situation of the English camp, entered it secretly in the night time, with a body of two hundred determined soldiers, and advanced to the royal tent, with a view of killing or carrying off the king, in the midst of his army. But some of Edward's attendants, awaking in that critical moment, made resistance; his chaplain and chamberlain sacrificed their lives for his safety; the king himself, after making a valorous defence, escaped in the dark; and Douglas, having lost the greater part of his followers, was glad to make a hasty retreat with the remainder.<sup>1</sup> Soon after, the Scottish army decamped without noise in the dead of night; and having thus gotten the start of the English, arrived without further loss in their own country. Edward, on entering the place of the Scottish encampment, found only six Englishmen, whom the enemy, after breaking their legs, had tied to trees, in order to prevent their carrying any intelligence to their countrymen (Froissard, liv iv, chap. 19).

The king was highly incensed at the disappointment which he had met with in his first enterprise, and at the head of so gallant an army. The symptoms which he had discovered of bravery and spirit gave extreme satisfaction, and were regarded as sure prognostics of an illustrious reign; but the general displeasure fell violently on Mortimer, who was already the object of public odium, and every measure which he pursued tended to aggravate beyond all bounds the hatred of the nation both against him and Queen Isabella.

When the council of regency was formed, Mortimer, though in the

<sup>1</sup> Froissard, liv. iv, chap. 19; Hemmingford, p. 268, Ypod Neust., p. 509, Knyghton, p. 2552.

plenitude of his power, had taken no care to ensure a place in it; but this semblance of moderation was only a cover to the most iniquitous and most ambitious projects. He rendered that council entirely useless by usurping to himself the whole sovereign authority; he settled on the queen dowager the greater part of the royal revenues; he never consulted either the princes of the blood, or the nobility, in any public measure: the king himself was so besieged by his creatures, that no access could be procured to him, and all the envy which had attended Gaveston and Spencer fell much more deservedly on the new favourite.

Mortimer, sensible of the growing hatred of the people, thought it requisite, on any terms, to secure peace abroad, and he entered into a negotiation with Robert Bruce for that purpose. As the claim of superiority in England, more than any other cause, had tended to inflame the animosities between the two nations, Mortimer, besides stipulating a marriage between Jane, sister of Edward, and David, the son and heir of Robert, consented to resign absolutely this claim, to give up all the homages done by the Scottish parliament and nobility, and to acknowledge Robert as independent sovereign of Scotland (Rymer, p. 337; Heming, p. 270; Anon Hist., p. 392). In return for these advantages, Robert stipulated the payment of 30,000 marks to England. This treaty was ratified by parliament (Ypod. Neust., p. 510); but was nevertheless the source of great discontent among the people, who, having entered zealously into the pretensions of Edward I., and deeming themselves disgraced by the successful resistance made by so inferior a nation, were disappointed by this treaty, in all future hopes both of conquest and of vengeance.

The princes of the blood, Kent, Norfolk, and Lancaster, were much united in their counsels; and Mortimer entertained great suspicions of their designs against him. In summoning them to parliament, he strictly prohibited them, in the king's name, from coming attended by an armed force, an illegal but usual practice in that age. The three earls, as they approached to Salisbury, the place appointed for the meeting of parliament, found that, though they themselves, in obedience to the king's command, had brought only their usual retinue with them, Mortimer and his party were attended by all their followers in arms; and they began with some reason to apprehend a dangerous design against their persons. They retreated, assembled their retainers, and were returning with an army to take vengeance on Mortimer; when the weakness of Kent and Norfolk, who deserted the common cause, obliged Lancaster also to make his submissions (Knyghton, p. 2554). The quarrel, by the interposition of the prelates, seemed for the present to be appeased.

But Mortimer, in order to intimidate the princes, determined to have a victim; and the simplicity, with the good intentions, of the Earl of Kent, afforded him soon after an opportunity of practising upon him. By himself and his emissaries, he (A.D. 1329) endeavoured to persuade that prince, that his brother, King Edward, was still alive, and detained in some secret prison in England. The earl, whose remorses for the part which he had acted against the late king, probably inclined him to give credit to this intelligence, entered into a design of restoring him to liberty, of reinstating him on the throne, and of



making thereby some atonement for the injuries which he himself had unwarily done him (*Avesbury*, p. 8, *Anon. Hist.*, p. 395). After this harmless contrivance had been allowed to proceed a certain length, the earl was (A D 1330) seized by Mortimer, was accused before the parliament, and condemned by those slavish though turbulent barons to lose his life and fortune. The queen and Mortimer, apprehensive of young Edward's lenity towards his uncle, hurried on the execution, and the prisoner was beheaded next day (9th March) but so general was the affection borne him, and such pity prevailed for his unhappy fate, that, though pecis had been easily found to condemn him, it was evening before his enemies could find an executioner to perform the odious office<sup>1</sup>.

The Earl of Lancaster, on pretence of his having assented to this conspiracy, was soon after thrown into prison: many of the prelates and nobility were prosecuted. Mortimer employed this engine to crush all his enemies, and to enrich himself and his family by the forfeitures. The estate of the Earl of Kent was seized for his younger son, Geoffrey: the immense fortunes of the Spencers and their adherents were mostly converted to his own use: he affected a state and dignity equal or superior to the royal: his power became formidable to every one: his illegal practices were daily complained of; and all parties, forgetting past animosities, conspired in their hatred of Mortimer.

It was impossible that these abuses could long escape the observation of a prince endowed with so much spirit and judgment as young Edward, who, being now in his eighteenth year, and feeling himself capable of governing, repined at being held in fetters by this insolent minister. But so much was he surrounded by the emissaries of Mortimer, that it behoved him to conduct the project for subverting him with the same secrecy and precaution as if he had been forming a conspiracy against his sovereign. He communicated his intentions to Lord Montacute, who engaged the Lords Mollins and Clifford, Sir John Nevil, of Hornby, Sir Edward Bohun, Ufford, and others, to enter into their views, and the castle of Nottingham was chosen for the scene of the enterprise. The queen dowager and Mortimer lodged in that fortress: the king also was admitted, though with a few only of his attendants: and as the castle was strictly guarded, the gates locked every evening, and the keys carried to the queen, it became necessary to communicate the design to Sir William Eland, the governor, who zealously took part in it. By his direction, the king's associates were admitted through a subterraneous passage, which had formerly been contrived for a secret outlet from the castle, but was now buried in rubbish, and Mortimer, without having it in his power to make resistance, was suddenly seized in an apartment adjoining to the queen's (*Avesbury*, p. 9). A parliament was immediately summoned for his condemnation. He was accused before that assembly of having usurped regal power from the council of regency appointed by parliament; of having procured the death of the late king; of having deceived the Earl of Kent into a conspiracy to restore that prince; of having solicited and obtained exorbitant grants of the royal demesnes; of having dissipated the public treasure; of secreting 20,000 marks of

<sup>1</sup> Heming, p. 271; Ypod Neust, p. 520, Knyghton, p. 2555.

the money paid by the King of Scotland; and of other crimes and misdemeanours.<sup>1</sup> The parliament condemned him from the supposed notoriety of the facts, without trial, or hearing his answer, or examining a witness; and he was (29th Nov.) hanged on a gibbet at the Elmes, in the neighbourhood of London. It is remarkable that this sentence was near twenty years after reversed by parliament, in favour of Mortimer's son; and the reason assigned was the illegal manner of proceeding (Cotton's Abridg., pp. 85, 86). The principles of law and justice were established in England, not in such a degree as to prevent any iniquitous sentence against a person obnoxious to the ruling party; but sufficient, on the return of his credit, or that of his friends, to serve as a reason or pretence for its reversal.

Justice was also executed, by a sentence of the house of peers, on some of the inferior criminals, particularly on Simon de Beresford; but the barons, in that act of jurisdiction, entered a protest, that though they had tried Beresford, who was none of their peers, they should not for the future be obliged to receive any such indictment. The queen was confined to her own house at Risings, near London; her revenue was reduced to 4000*l.* a year (Cotton's Abridg., p. 10); and though the king during the remainder of her life paid her a decent visit once or twice a year, she never was able to reinstate herself in any credit or authority.

Edward, having now taken the reins of government into his own hands, applied himself with industry and judgment, to redress all those grievances which had proceeded either from want of authority in the crown, or from the late abuses of it. He issued writs to the judges, enjoining them to administer justice, without paying any regard to arbitrary orders from the ministers, and as the robbers, thieves, murderers, and criminals of all kinds, had, during the course of public convulsions, multiplied to an enormous degree, and were openly protected by the great barons, who made use of them against their enemies, the king, after exacting from the peers a solemn promise in parliament that they would break off all connections with such malefactors (Cotton's Abridg.), set himself in earnest to remedy the evil. Many of these gangs had become so numerous as to require his own presence to disperse them; and he exerted both courage and industry in executing this salutary office. The ministers of justice, from his example, employed the utmost diligence in discovering, pursuing, and punishing, the criminals; and this disorder was by degrees corrected, at least palliated; the utmost that could be expected, with regard to a disease hitherto inherent in the constitution.

In proportion as the government acquired authority at home, it became formidable to the neighbouring nations; and the ambitious spirit of Edward sought, and soon found, an opportunity of exerting itself. The wise and valiant Robert Bruce, who had recovered by arms the independence of his country, and had fixed it by the last treaty of peace with England, soon after died, and left David, his son, a minor, under the guardianship of Randolph, Earl of Murray, the companion of all his victories. It had been stipulated in this treaty, that both the Scottish nobility, who, before the commencement of the wars, enjoyed

<sup>1</sup> Brady's App., No. 83. Auct. Hist., pp. 307, 308; Kay's Hist., p. 256.

lands in England, and the English who inherited estates in Scotland, should be restored to their respective possessions (Rymer, vol. iv., p. 384). but though this article had been executed pretty regularly on the part of Edward, Robert, who observed that the estates claimed by Englishmen were much more numerous and valuable than the others, either thought it dangerous to admit so many secret enemies into the kingdom, or found it difficult to wrest from his own followers the possessions bestowed on them as the reward of former services; and he had protracted the performance of his part of the stipulation. The English nobles, disappointed in their expectations, began to think of a remedy; and as their influence was great in the north, their enmity alone, even though unsupported by the King of England, became dangerous to the minor prince who succeeded to the Scottish throne.

Edward Baliol, the son of that John who was crowned King of Scotland, had been detained some time a prisoner in England after his father was released, but having also obtained his liberty, he went over to France, and resided in Normandy, on his patrimonial estate in that country, without any thoughts of reviving the claims of his family to the crown of Scotland. His pretensions, however plausible, had been so strenuously abjured by the Scots, and rejected by the English, that he was universally regarded as a private person; and he had been thrown into prison on account of some private offence of which he was accused. Lord Beaumont, a great English baron, who, in the right of his wife, claimed the earldom of Buchan, in Scotland (Rymer, vol. iv., p. 251), found him in this situation, and, deeming him a proper instrument for his purpose, made such interest with the King of France, who was not aware of the consequences, that he recovered his liberty, and, A.D. 1332, brought him over with him to England.

The injured nobles, possessed of such a head, began to think of vindicating their rights by force of arms, and they applied to Edward for his concurrence and assistance. But there were several reasons which deterred the king from openly avowing their enterprise. In his treaty with Scotland, he had entered into a bond of 20,000 pounds, payable to the Pope, if within four years he violated the peace, and as the term was not yet elapsed, he dreaded the exacting of that penalty by the sovereign pontiff, who possessed so many means of forcing princes to make payment. He was also afraid that violence and injustice would everywhere be imputed to him, if he attacked with superior force a minor king, and a brother-in-law, whose independent title had so lately been acknowledged by a solemn treaty. And as the regent of Scotland, on every demand which had been made of restitution to the English barons, had always confessed the justice of their claim, and had only given an evasive answer, grounded on plausible pretences, Edward resolved not to proceed by open violence, but to employ like artifices against him. He secretly encouraged Baliol in his enterprise, connived at his assembling forces in the north, and gave countenance to the nobles who were disposed to join in the attempt. A force of near 2500 men was enlisted under Baliol, by Umfraville, Earl of Angus, the Lords Beaumont, Ferrais, Fitz-wain, Wake, Stafford, Talbot, and Moubay. As these adventurers apprehended that the frontiers would be strongly armed and guarded, they

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resolved to make their attack by sea; and, having embarked at Ravenspur, they landed, in a few days, the coast of Fife.

Scotland was, at that time, in a very different situation from that in which it had appeared under the victorious Robert. Besides the loss of that great monarch, whose genius and authority preserved entire the whole political fabric, and maintained an union among the univly barons, Lord Douglas, impatient of rest, had gone over to Spain, in a crusade against the Moors, and had there perished in battle (Froissard, liv. 1., chap. 21). The Earl of Murray, who had long been declining through age and infirmities, had lately died, and had been succeeded, in the regency by Donald Earl of Marr, a man of much inferior talents: the military spirit of the Scots, though still unbroken, was left without a proper guidance and direction; and a minor king seemed ill qualified to defend an inheritance, which it had required all the consummate valour and abilities of his father to acquire and maintain. But, as the Scots were apprized of the intended invasion, great numbers, on the appearance of the English fleet, immediately ran to the shore, in order to prevent the landing of the enemy. Baliol had valour and activity, and he drove back the Scots with considerable loss.<sup>1</sup> He marched westward into the heart of the country; flattering himself that the ancient partisans of his family would declare for him. But the fierce animosities, which had been kindled between the two nations, inspiring the Scots with a strong prejudice against a prince supported by the English, he was regarded as a common enemy, and the regent found no difficulty in assembling a great army to oppose him. It is pretended that Marr had no less than 40,000 men under his banners; but the same hurry and impatience that made him collect a force, which, from its greatness, was so disproportioned to the occasion, rendered all his motions unskillful and imprudent. The river Ene ran between the two armies; and the Scots, confiding in that security, as well as in their great superiority of numbers, kept no order in their encampment. Baliol (Aug. 11) passed the river in the night time; attacked the unguarded and undisciplined Scots; threw them into confusion, which was increased by the darkness and by their very numbers to which they trusted; and he beat them off the field with great slaughter (Knyghton, p. 2561). But in the morning, when the Scots were at some distance, they were ashamed of having yielded the victory to so weak a foe, and they hurried back to recover the honour of the day. Their eager passions urged them precipitately to battle, without regard to some broken ground which lay between them and the enemy, and which disordered and confounded their ranks. Baliol seized the favourable opportunity, advanced his troops upon them, prevented them from rallying, and anew chased them off the field with redoubled slaughter. There fell above 12,000 Scots in this action; and among these the flower of their nobility; the regent himself, the Earl of Carric, a natural son of their late king, the Earls of Athole and Monteith, Lord Hay of Errol, constable, and the Lords Keith and Lindsey. The loss of the English scarcely exceeded thirty men; a strong proof, among many others, of the miserable state of military discipline in those ages.<sup>2</sup>

<sup>1</sup> Henning, p. 272; Walsing., p. 131; Knyghton, p. 2560.

<sup>2</sup> Henning, p. 273; Walsing., p. 132; Knyghton, p. 2561.

Bahol soon after made himself master of Perth; but still was not able to bring over any of the Scots to his party. Patrick Dunbar, Earl of March, and Sir Archibald Douglas, brother to the lord of that name, appeared at the head of the Scottish armies, which amounted still to near 40,000 men, and they purposed to reduce Bahol and the English by famine. They blockaded Perth by land; they collected some vessels with which they invested it by water: but Bahol's ships, attacking the Scottish fleet, gained a complete victory, and opened the communication between Perth and the sea (Heming, p. 273; Knyghton, p. 2561). The Scotch armies were then obliged to disband for want of pay and subsistence, the nation was, in effect, subdued by a handful of men, each nobleman, who found himself most exposed to danger, successively submitted to Bahol; that prince was (Sept. 27) crowned at Scone; David, his competitor, was sent over to France, with his betrothed wife, Jane, sister to Edward, and the heads of his party sued to Bahol for a truce, which he granted them, in order to assemble a parliament in tranquillity, and have his title recognised by the whole Scottish nation.

But Bahol's imprudence, or his necessities, making him dismiss the greater part of his English followers, he (A.D. 1333) was, notwithstanding the truce, attacked of a sudden, near Annan, by Sir Archibald Douglas, and other chieftains of that party, his brother John Bahol was slain, he himself was chased into England in a miserable condition, and thus lost his kingdom by a revolution as sudden as that by which he had acquired it.

While Bahol enjoyed his short-lived and precarious royalty, he had been sensible that, without the protection of England, it would be impossible for him to maintain possession of the throne; and he had secretly sent a message to Edward, offering to acknowledge his superiority, to renew the homage for his crown, and to espouse the Princess Jane, if the Pope's consent could be obtained for dissolving her former marriage, which was not yet consummated. Edward, ambitious of recovering that important concession made by Mortimer during his minority, threw off all scruples, and willingly accepted the offer, but as the dethroning of Bahol had rendered this stipulation of no effect, the king prepared to reinstate him in possession of the crown, an enterprise which appeared from late experience so easy and so little hazardous. As he possessed many popular arts, he consulted his parliament on the occasion; but that assembly, finding the resolution already taken, declined giving any opinion, and only granted him, in order to support the enterprise, an aid of a fifteenth, from the personal estates of the nobility and gentry, and a tenth of the movables of boroughs. And they added a petition, that the king would thenceforth live on his own revenue, without grieving his subjects by illegal taxes, or by the outrageous seizure of their goods in the shape of purveyance (Cotton's Abridgment).

As the Scots expected that the chief blunt of the war would fall upon Berwick, Douglas, the regent, threw a strong garrison into that place, under the command of Sir William Keith, and he himself assembled a great army on the frontiers, ready to penetrate into England, as soon as Edward should have invested that place. The English army

#### 474 *Fall of Douglas, and Defeat of the Scots at Halidon Hill.*

was less numerous, but better supplied with arms and provisions, and retained in stricter discipline; and the king, notwithstanding the valiant defence made by Keith, had, in two months, reduced the garrison to extremities, and had obliged them to capitulate: they engaged to surrender, if they were not relieved within a few days by their countrymen (Rymer, vol. iv., pp. 564, 565, 566). This intelligence being conveyed to the Scottish army, which was preparing to invade Northumberland, changed their plan of operations, and engaged them to advance toward Berwick, and attempt the relief of that important fortress. Douglas, who had ever purposed to decline a pitched battle, in which he was sensible of the enemy's superiority, and who intended to have drawn out the war by small skirmishes, and by mutually ravaging each other's country, was forced, by the impatience of his troops, to put the fate of the kingdom upon the event of one day. He (July 19) attacked the English at Halidon Hill, a little north of Berwick, and, though his heavy-armed cavalry dismounted, in order to render the action more steady and desperate, they were received with such valour by Edward, and were so galled by the English archers, that they were soon thrown into disorder, and on the fall of Douglas, their general, were totally routed. The whole army fled in confusion, and the English, but much more the Irish, gave little quarter in the pursuit; all the nobles of chief distinction were either slain or taken prisoners; nearly 30,000 of the Scots fell in the action; while the loss of the English amounted only to one knight, one esquire, and thirteen private soldiers. an inequality almost incredible.<sup>1</sup>

After this fatal blow, the Scottish nobles had no other resource than instant submission, and Edward, leaving a considerable body with Baliol to complete the conquest of the kingdom, returned with the remainder of his army to England. Baliol was acknowledged king by a parliament assembled at Edinburgh (Rymer, vol. iv., p. 590); the superiority of England was again recognised; many of the Scottish nobility swore fealty to Edward; and to complete the misfortunes of that nation, Baliol ceded Berwick, Dunbar, Roxburgh, Edinburgh, and all the south-east counties of Scotland, which were declared to be for ever annexed to the English monarchy (*Ibid.*, p. 614).

If Baliol on his first appearance was dreaded by the Scots as an instrument employed by England for the subjection of the kingdom, this deed confirmed all their suspicions and rendered him the object of universal hatred. Whatever submissions they might be obliged to make, they considered him not as their prince, but as the delegate and confederate of their determined enemy; and neither the manners of the age nor the state of Edward's revenue permitting him to maintain a standing army in Scotland, the English forces were no sooner withdrawn than the Scots revolted from Baliol and returned to their former allegiance under Bruce. Sir Andrew Murray, appointed (A.D. 1334) regent by the party of this latter prince, employed with success his valour and activity in many small but decisive actions against Baliol, and in a short time had almost totally expelled him the kingdom. Edward was obliged again to assemble an army and to (A.D. 1335) march into Scotland. The Scots, taught by experience, withdrew into

<sup>1</sup> *Henning.* pp. 275, 276, 278; *Knyghton*, p. 2559; *Otterborne*, p. 125.

their hills and fastnesses, he destroyed the houses and ravaged the estates of those whom he called rebels, but this confirmed them still further in their obstinate antipathy to England and to Baliol; and being now rendered desperate, they were ready to take advantage on the first opportunity of the retreat of their enemy, and they soon reconquered their country from the English. Edward made anew his appearance in Scotland with like success. He found everything hostile in the kingdom except the spot on which he was encamped; and though he marched uncontrolled over the low countries, the nation itself was farther than ever from being broken and subdued. Besides being supported by their pride and anger, passions difficult to tame, they were encouraged amidst all their calamities by daily promises of relief from France, and as a war was now likely to break out between that kingdom and England, they had reason to expect from this incident a great diversion of that force which had so long oppressed and overwhelmed them.

We now come to a transaction on which depended the most memorable events, not only of this long and active reign, but of the whole English and French history during more than a century; and it will therefore be necessary to give a particular account of the springs and causes of it.

It had long been a prevailing opinion that the crown of France could never descend to a female; and in order to give more authority to this maxim and assign it a determinate origin, it had been usual to derive it from a clause in the Salian Code, the law of an ancient tribe among the Franks, though that clause when strictly examined carries only the appearance of favouring this principle, and does not really, by the confession of the best antiquaries, bear the sense commonly imposed upon it. But though positive law seems wanting among the French for the exclusion of females, the practice had taken place, and the rule was established beyond controversy on some ancient as well as some modern precedents. During the first race of the monarchy, the Franks were so rude and barbarous a people that they were incapable of submitting to a female reign; and in that period of their history there were frequent instances of kings advanced to royalty in prejudice of females who were related to the crown by nearer degrees of consanguinity. These precedents, joined to like causes, had also established the male succession in the second race, and though the instances were neither so frequent nor so certain during that period, the principle of excluding the female line seems still to have prevailed, and to have directed the conduct of the nation. During the third race, the crown had descended from father to son for eleven generations, from Hugh Capet to Lewis Hutin, and thus, in fact, during the course of nine hundred years, the French monarchy had always been governed by males, and no female, and none who founded his title on a female had ever mounted the throne. Philip the Fair, father of Lewis Hutin, left three sons, this Lewis, Philip the Long, and Charles the Fair, and one daughter, Isabella, Queen of England. Lewis Hutin, the eldest, left at his death one daughter, by Margaret, sister to Eudes, Duke of Burgundy, and as his queen was then pregnant, Philip, his younger brother, was appointed regent till it should appear whether the child

proved a son or a daughter. The queen bore a male who lived only a few days. Philip was proclaimed king; and as the Duke of Burgundy made some opposition and asserted the rights of his niece, the states of the kingdom by a solemn and deliberate decree gave her an exclusion, and declared all females for ever incapable of succeeding to the crown of France. Philip died after a short reign, leaving three daughters; and his brother Charles, without dispute or controversy, then succeeded to the crown. The reign of Charles was also short; he left one daughter; but as his queen was pregnant, the next male heir was appointed regent, with a declared right of succession if the issue should prove female. This prince was Philip de Valois, cousin-german to the deceased king; being the son of Charles de Valois, brother of Philip the Fair. The Queen of France was delivered of a daughter; the regency ended, and Philip de Valois was unanimously placed on the throne of France.

The King of England, who was at that time a youth of fifteen years of age, embraced a notion that he was entitled in right of his mother to the succession of the kingdom, and that the claim of the nephew was preferable to that of the cousin-german. There could not well be imagined a notion weaker or worse grounded. The principle of excluding females was of old an established opinion in France, and had acquired equal authority with the most express and positive law. It was supported by ancient precedents, it was confirmed by recent instances, solemnly and deliberately decided; and what placed it still further beyond controversy, if Edward was disposed to question its validity, he thereby cut off his own pretensions, since the three last kings had all left daughters who were still alive, and who stood before him in the order of succession. He was therefore reduced to assert that though his mother, Isabella, was on account of her sex incapable of succeeding, he himself, who inherited through her, was liable to no such objection, and might claim by the right of propinquity. But besides that this pretension was more favourable to Charles, King of Navarre, descended from the daughter of Lewis Hutin, it was so contrary to the established principles of succession in every country of Europe (Froissard, liv. i., chap. 4), was so repugnant to the practice, both in private and public inheritances, that nobody in France thought of Edward's claim; Philip's title was universally recognised (*Ibid.*, liv. i., chap. 22); and he never imagined that he had a competitor, much less so formidable a one as the King of England.

But though the youthful and ambitious mind of Edward had rashly entertained this notion, he did not think proper to insist on his pretensions, which must have immediately involved him on very unequal terms in a dangerous and implacable war with so powerful a monarch. Philip was a prince of mature years, of great experience, and at that time of an established character both for prudence and valour; and by these circumstances, as well as by the internal union of his people and their acquiescence in his undoubted right, he possessed every advantage above a raw youth, newly raised by injustice and violence to the government of the most intractable and most turbulent subjects in Europe. But there immediately occurred an incident which required that Edward should either openly declare his pretensions, or for ever renounce and



abjure them. He was summoned to do homage for Guienne; Philip was preparing to compel him by force of arms, that country was in a very bad state of defence; and the forfeiture of so rich an inheritance was, by the feudal law, the immediate consequence of his refusing or declining to perform the duty of a vassal. Edward therefore thought it prudent to submit to present necessity, he went over to Amiens, did homage to Philip, and as there had arisen some controversy concerning the terms of this submission, he afterwards sent over a formal deed, in which he acknowledged that he owed liege homage to France;<sup>1</sup> which was in effect ratifying, and that in the strongest terms, Philip's title to the crown of that kingdom. His own claim indeed was so unreasonable, and so thoroughly disavowed by the whole French nation, that to insist on it was no better than pretending to the violent conquest of the kingdom, and it is probable that he would never have further thought of it had it not been for some incidents which excited an animosity between the monarchs.

Robert of Artois was descended from the blood royal of France, was a man of great character and authority, had espoused Philip's sister, and by his birth, talents, and credit, was entitled to make the highest figure and fill the most important office in the monarchy. This prince had lost the county of Artois, which he claimed as his birthright, by a sentence, commonly deemed iniquitous, of Philip the Fair; and he was seduced to attempt recovering possession by an action so unworthy of his rank and character as a forgery (Froissard, liv. 1, chap. 29). The detection of this crime covered him with shame and confusion; his brother-in-law not only abandoned him, but prosecuted him with violence, Robert, incapable of bearing disgrace, left the kingdom, and hid himself in the Low Countries, chased from that retreat, by the authority of Philip, he came over to England; in spite of the French king's menaces and remonstrances, he was favourably received by Edward,<sup>2</sup> and was soon admitted into the councils and shared the confidence of that monarch. Abandoning himself to all the movements of rage and despair, he endeavoured to revive the prepossession entertained by Edward in favour of his title to the crown of France, and even flattered him that it was not impossible for a prince of his valour and abilities to render his claim effectual. The king was the more disposed to hearken to suggestions of this nature, because he had, in several particulars, found reason to complain of Philip's conduct with regard to Guienne, and because that prince had both given protection to the exiled David Bruce, and supported, at least encouraged, the Scots in their struggles for independence. Thus resentment gradually filled the breasts of both monarchs, and made them incapable of hearkening to any terms of accommodation proposed by the Pope, who never ceased interposing his good offices between them. Philip thought that he should be wanting to the first principles of policy if he abandoned Scotland: Edward affirmed, that he must relinquish all pretensions to generosity, if he withdrew his protection from Robert. The former, informed of

<sup>1</sup> Rymer, vol. iv, pp. 477, 481, Froissard, liv. 1, chap. 25; Anon. Hist., p. 394, Walsing., p. 130; Murimuth, p. 73.

<sup>2</sup> Rymer, vol. iv., p. 747, Froissard, liv. 1, chap. 27.

some preparations for hostilities which had been made by his rival, issued a sentence of felony and attainder against Robert, and declared, that every vassal of the crown, whether within or without the kingdom, who gave countenance to that traitor, would be involved in the same sentence: a menace easy to be understood. The latter, resolute not to yield, endeavoured to form alliances in the Low Countries and on the frontiers of Germany, the only places upon which he either could make an effectual attack from France, or produce such a diversion as might save the province of Guienne, which lay so much exposed to the power of Philip.

The king began (A.D. 1337) with opening his intentions to the Count of Hainault, his father-in-law; and having engaged him in his interests, he employed the good offices and counsels of that prince in drawing into his alliance the other sovereigns of that neighbourhood. The Duke of Brabant was induced by his mediation, and by large remittances of money from England, to promise his concurrence (Rymer, vol. iv., p. 777); the Archbishop of Cologne, the Duke of Gueldres, the Marquis of Juliers, the Count of Namur, the Lords of Fauquemont and Baquen were engaged by like motives to embrace the English alliance (Froissard, liv. iv., chap. 29, 33, 36). These sovereign princes could supply, either from their own states or from the bordering countries, great numbers of warlike troops; and naught was wanting to make the force on that quarter very formidable, but the accession of Flanders, which Edward procured by means somewhat extraordinary and unusual.

As the Flemings were the first people in the northern parts of Europe that cultivated arts and manufactures, the lower ranks of men among them had risen to a degree of opulence unknown elsewhere to those of their station in that barbarous age; had acquired privileges and independence, and began to emerge from that state of vassalage, or rather of slavery, into which the common people had been universally thrown by the feudal institutions. It was probably difficult for them to bring their sovereign and their nobility to conform themselves to the principles of law and civil government, so much neglected in every other country; it was impossible for them to confine themselves within the proper bounds in their opposition and resentment against any instance of tyranny; they had risen in tumults; had insulted the nobles; had chased their eul into France; and delivering themselves over to the guidance of a seditious leader, had been guilty of all that insolence and disorder to which the thoughtless and enraged populace are so much inclined, wherever they are unfortunate enough to be their own masters (Froissard, liv. i., chap. 30).

Their present leader was James d'Arteville, a brewer in Ghent, who governed them with a more absolute sway than had ever been assumed by any of their lawful sovereigns; he placed and displaced the magistrates at pleasure; he was accompanied by a guard, who, on the least signal from him, instantly assassinated any man that happened to fall under his displeasure; all the cities of Flanders were full of spies, and it was immediate death to give him the smallest umbrage; the few nobles who remained in the country, lived in continual terror from his violence; he seized the estates of all those whom he had either

banished or murdered, and bestowing a part on their wives and children, converted the remainder to his own use (Froissard, liv. 1., chap 30). Such were the first effects that Europe saw of popular violence, after having groaned during so many ages under monarchical and aristocratical tyranny.

James d'Arteville was a man to whom Edward addressed himself for bringing over the Flemings to his interests; and that prince, the most haughty and most aspiring of the age, never counted any ally with so much assiduity and so many submissions, as he employed towards this seditious and criminal tradesman. D'Arteville, proud of these advances from the King of England, and sensible that the Flemings were naturally inclined to maintain connections with the English, who furnished them the materials of their woollen manufactures, the chief source of their opulence, readily embraced the interests of Edward, and invited him over to the Low Countries. Edward, before he entered on this enterprise, affected to consult his parliament, asked their advice, and obtained their consent (Cotton's Abridg.) And the more to strengthen his hands, he procured from them a grant of 20,000 sacks of wool, which might amount to about a hundred thousand pounds, this commodity was a good instrument to employ with the Flemings, and the price of it with his German allies. He completed the other necessary sums by loans, by pawning the crown jewels, by confiscating, or rather robbing at once all the Lombards, who now exercised the invidious trade, formerly monopolized by the Jews, of lending on interest (Dugd. Baron, vol. ii., p. 146), and being attended by a body of English forces, and by several of his nobility, he sailed over to Flanders.

The German princes, in order to justify their unprovoked hostilities against France, had required the sanction of some legal authority; and Edward, that he might give them satisfaction on this head, had applied to Lewis of Bavaria, then emperor, and had been created by him vicar of the empire; an empty title, but which seemed to give him a right of commanding the service of the princes of Germany (Froissard, liv. 1., chap 35). The Flemings, who were vassals of France, pretending like scruples with regard to the invasion of their liege lord; Edward, by the advice of D'Arteville, assumed (A.D. 1338) in his commissions the title of King of France, and, in virtue of this right, claimed then assistance for dethroning Philip de Valois, the usurper of his kingdom (Heming, p. 303, Walsingham, p. 143). This step, which he feared would destroy all future amity between the kingdoms, and beget endless and implacable jealousies in France, was not taken by him without much reluctance and hesitation; and not being in itself very justifiable, it has in the issue been attended with many miseries to both kingdoms. From this period we may date the commencement of that great animosity which the English nation have ever since borne to the French, which has so visible an influence on all future transactions, and which has been, and continues to be, the spring of many rash and precipitate resolutions among them. In all the preceding reigns since the Conquest, the hostilities between the two crowns had been only casual and temporary; and as they had never been attended with any bloody or dangerous event, the traces of them were easily obliterated by the first

treaty of pacification. The English nobility and gentry valued themselves on their French or Norman extraction; they affected to employ the language of that country in all public transactions, and even in familiar conversation; and both the English court and camp being always full of nobles, who came from different provinces of France, the two people were, during some centuries, more intermingled together than any two distinct nations whom we meet with in history. But the fatal pretensions of Edward III. dissolved all these connections, and left the seeds of great animosity in both countries, especially among the English. For it is remarkable, that this latter nation, though they were commonly the aggressors, and by their success and situation were enabled to commit the most cruel injuries on the other, have always retained a stronger tincture of national antipathy; nor is their hatred retaliated on them to an equal degree by the French. That country lies in the middle of Europe, has been successfully engaged in hostilities with all its neighbours, the popular prejudices have been diverted into many channels, and, among a people of softer manners, they never rose to a great height against any particular nation.

Philip made great preparations against the attack from the English, and such as seemed more than sufficient to secure him from the danger. Besides the concurrence of all the nobility in his own populous and warlike kingdom, his foreign alliances were both more cordial and more powerful than those which were formed by his antagonist. The Pope, who at this time lived at Avignon, was dependent on France, and being disgusted at the connections between Edward and Lewis of Bavaria, whom he had excommunicated, he embraced with zeal and sincerity the cause of the French monarch. The King of Navarre, the Duke of Brittany, the Count of Bar, were in the same interests; and on the side of Germany, the King of Bohemia, the Palatine, the Dukes of Lorraine and Austria, the Bishop of Liege, the Counts of Deuxpont, Vaudemont, and Geneva. The allies of Edward were in themselves weaker; and having no object but his money, which began to be exhausted, they were slow in their motions, and irresolute in their measures. The Duke of Brabant, the most powerful among them, seemed even inclined to withdraw himself wholly from the alliance; and the king was necessitated both to give the Brabanters new privileges in trade, and to contract his son Edward with the daughter of that prince, ere he could bring him to fulfil his engagements. The summer (A.D. 1339) was wasted in conferences and negotiations before Edward could take the field; and he was obliged, in order to allure his German allies into his measures, to pretend that the first attack should be made upon Cambrai, a city of the empire which had been garrisoned by Philip (Froissard, liv. i., chap. 39; Heming, p. 305). But finding, upon trial, the difficulty of the enterprise, he conducted them towards the frontiers of France; and there saw, by a sensible proof, the vanity of his expectations; the Count of Namur, and even the Count of Hainault, his brother-in-law (for the old count was dead), refused to commence hostilities against their liege lord, and retired with their troops (Froissard, liv. i., chap. 39). So little account did they make of Edward's pretensions to the crown of France!

The king, however, entered the enemy's country, and encamped on

the fields of Vionfosse near Capelle, with an army of near 50,000 men, composed almost entirely of foreigners, Philip approached him with an army of near double the force, composed chiefly of native subjects; and it was daily expected that a battle would ensue. But the English monarch was averse to engage against so great a superiority; the French thought it sufficient if he eluded the attacks of his enemy, without running any unnecessary hazard. The two armies faced each other for some days, mutual defiance was sent; and Edward at last retired into Flanders, and disbanded his army.<sup>1</sup>

Such was the fruitless and almost ridiculous conclusion of Edward's mighty preparations; and, as his measures were the most prudent that could be embraced in his situation, he might learn from experience in what a hopeless enterprise he was engaged. His expenses, though they had led to no end, had been consuming and destructive; he had contracted near £300,000 of debt (Cotton's *Abridg.*, p. 17); he had anticipated all his revenue, he had pawned everything of value which belonged either to himself or his queen, he was obliged, in some measure, even to pawn himself to his creditors, by not sailing to England, till he obtained their permission, and promising, on his word of honour, to return in person, if he did not remit their money.

But he was a prince of too much spirit to be discouraged by the first difficulties of an undertaking, and he was anxious to retrieve his honour by more successful and more gallant enterprises. For this purpose he had, during the course of the campaign, sent orders to summon a parliament by his son Edward, whom he had left with the title of guardian, and to demand some supply in his urgent necessities. The barons seemed inclined to grant his request; but the knights, who often, at this time, acted as a separate body from the burgesses, made some scruple of taxing the constituents without their consent; and they desired the guardian to summon a new parliament, which might be properly empowered for that purpose. The situation of the king and parliament was, for the time, nearly similar to that which they constantly fell into about the beginning of the last century, and similar consequences began visibly to appear. The king, sensible of the frequent demands which he should be obliged to make on his people, had been anxious to ensure to his friends a seat in the house of commons, and at his instigation the sheriffs and other placemen had made interest to be elected into that assembly, an abuse which the knights desired the king to correct by the tenor of his writ of summons, and which was accordingly remedied. On the other hand, the knights had professedly annexed conditions to their intended grant, and required a considerable retrenchment of the royal prerogatives, particularly with regard to purveyance, and the levying of the ancient feudal aids for knighting the king's eldest son, and marrying his eldest daughter. The new parliament, called by the guardian, retained the same free spirit; and, though they offered a large supply of 30,000 sacks of wool, no business was concluded; because the conditions, which they annexed, appeared too high to be compensated by a temporary concession. But when Edward himself came over to England he summoned another parliament, and he had the interest to procure a supply on more moderate

<sup>1</sup> Froissard, liv. 1., chap. 41, 42, 43; Heming., p. 307; Walsing., p. 143.

terms. A confirmation of the two charters, and of the privileges of boroughs, a pardon for old debts and trespasses, and a remedy for some abuses in the execution of common law, were the chief conditions insisted on; and the king, in return for his concessions on these heads, obtained from the barons and knights an unusual grant, for two years, of the ninth sheaf, lamb, and fleece on their estates, and from the burgesses a ninth of their movables at their true value. The whole parliament also granted a duty of forty shillings on each sack of wool exported, on each three hundred wool-fells, and on each last of leather, for the same term of years; but degrading the arbitrary spirit of the crown, they expressly declared that this grant was to continue no longer, and was not to be drawn into precedent. Being soon after sensible that this supply, though considerable and very unusual in that age, would come in slowly and would not answer the king's urgent necessities, proceeding both from his debts and his preparations for war, they agreed that twenty thousand sacks of wool should immediately be granted him, and their value be deducted from the ninth which were afterwards to be levied.

But there appeared at this time another jealousy in the parliament, which was very reasonable, and was founded on a sentiment that ought to have engaged them rather to check than support the king in all those ambitious projects so little likely to prove successful, and so dangerous to the nation if they did. Edward, who before the commencement of the former campaign had, in several commissions, assumed the title of King of France, now more openly in all public deeds, gave himself that appellation, and always quartered the arms of France with those of England in his seals and ensigns. The parliament thought proper to obviate the consequences of this measure, and to declare that they owed him no obedience as King of France, and that the two kingdoms must for ever remain distinct and independent (14 Edward III.). They undoubtedly foresaw that France, if subdued, would in the end, prove the seat of government, and they deemed this previous protestation necessary, in order to prevent their becoming a province to that monarchy. A frail security if the event had really taken place!

As Philip was apprised from the preparations which were making both in England and the Low Countries, that he must expect another invasion from Edward, he fitted out a great fleet of 400 vessels manned with 40,000 men, and he stationed them off Sluise, with a view of intercepting the king in his passage. The English navy was much inferior in number, consisting only of 240 sail, but whether it were by the superior abilities of Edward or the greater dexterity of his seamen, they gained the wind of the enemy and had the sun in their backs, and with these advantages began (A.D. 1340, June 13) the action. The battle was fierce and bloody; the English archers, whose force and address were now much celebrated, galled the French on their approach; and when the ships grappled together, and the contest became more steady and furious, the example of the king and of so many gallant nobles who accompanied him, animated to such a degree the seamen and soldiery, that they maintained everywhere a superiority over the enemy. The French also had been guilty of some

impiudence in taking their station so near the coast of Flanders, and choosing that place for the scene of action. The Flemings, desecring the battle, hurried out of their harbours and brought a reinforcement to the English, which coming unexpectedly had a greater effect than in proportion to its power and numbers. Two hundred and thirty French ships were taken; 30,000 Frenchmen were killed, with two of their admirals; the loss of the English was considerable, compared to the greatness and importance of the victory.<sup>1</sup> None of Philip's courtiers, it is said, dared to inform him of the event, till his fool or jester gave him a hint, by which he discovered the loss that he had sustained (Walsing, p. 148).

The lustre of this great success increased the king's authority among his allies, who assembled their forces with expedition, and joined the English army. Edward marched to the frontiers of Flanders at the head of above 100,000 men, consisting chiefly of foreigners, a more numerous army than, either before or since, has ever been commanded by any King of England (Rymel, vol. v., p. 197). At the same time the Flemings, to the number of 50,000 men, marched out under the command of Robert of Artois, and laid siege to St. Omer, but this tumultuary army, composed entirely of tradesmen unexperienced in war, was routed by a sally of the garrison, and notwithstanding the abilities of their leader, was thrown into such a panic that they were instantly dispersed, and never more appeared in the field. The enterprises of Edward, though not attended with so inglorious an issue, proved equally vain and fruitless. The King of France had assembled an army more numerous than the English, was accompanied by all the chief nobility of his kingdom, was attended by many foreign princes, and even by three monarchs, the Kings of Bohemia, Scotland, and Navarre (Froiss., liv. 1., chap. 57); yet he still adhered to the prudent resolution of putting nothing to hazard, and after throwing strong garrisons into all the frontier towns, he retired backwards, persuaded that the enemy having wasted their force in some tedious and unsuccessful enterprise, would afford him an easy victory.

Tournay was at that time one of the most considerable cities of Flanders, containing above 60,000 inhabitants of all ages, who were affectionate to the French government, and as the secret of Edward's designs had not been strictly kept, Philip learned that the English, in order to gratify their Flemish allies, had intended to open the campaign with the siege of this place; he took care therefore to supply it with a garrison of 14,000 men, commanded by the bravest nobility of France, and he reasonably expected that these forces, joined to the inhabitants, would be able to defend the city against all the efforts of the enemy. Accordingly, Edward, when he commenced the siege, about the end of July, found everywhere an obstinate resistance, the valour of one side was encountered with equal valour by the other, every assault was repulsed and proved unsuccessful; and the king was at last obliged to turn the siege into a blockade, in hopes that the great numbers of the garrison and citizens, which had enabled them to defend themselves against his attacks, would but expose them to be the more easily reduced by famine (Froissard, liv. 1., chap. 54). The Count of Eu,

<sup>1</sup> Froissard, liv. 1., chap. 52, Avesbury, p. 56, Heming, p. 322.

who commanded in Tournay, as soon as he perceived that the English had formed this plan of operations, endeavoured to save his provisions by expelling all the useless mouths, and the Duke of Brabant, who wished no success to Edward's enterprises, gave every one a free passage through his quarters.

After the siege had continued ten weeks, the city was reduced to distress; and Philip, recalling all his scattered garrisons, advanced towards the English camp at the head of a mighty army, with an intention of still avoiding any decisive action, but of seeking some opportunity for throwing relief into the place. Here Edward, irritated with the small progress he had hitherto made, and with the disagreeable prospect that lay before him, sent Philip a defiance by a herald, and challenged him to decide their claims for the crown of France, either by single combat, or by an action of a hundred against a hundred, or by a general engagement. But Philip replied that Edward, having done homage to him for the Duchy of Guienne, and having solemnly acknowledged him for his superior, it by no means became him to send a defiance to his liege lord and sovereign; that he was confident, notwithstanding all Edward's preparations and his conjunction with the rebellious Flemings, he himself should soon be able to chase him from the frontiers of France; that as the hostilities from England had prevented him from executing his purposed crusade against the infidels, he trusted in the assistance of the Almighty, who would reward his pious intentions and punish the aggressor whose ill-grounded claims had rendered them abortive; that Edward proposed a duel on very unequal terms, and offered to hazard only his own person against both the kingdom of France and the person of the king; but that, if he would increase the stake and put also the kingdom of England on the issue of the duel, he would, notwithstanding that the terms would still be unequal, very willingly accept of the challenge.<sup>1</sup> It was easy to see that these mutual bravadoes were intended only to dazzle the populace, and that the two kings were too wise to think of executing their pretended purpose.

While the French and English armies lay in this situation, and a general action was every day expected, Jane, Countess Dowager of Hainault, interposed with her good offices, and endeavoured to conciliate peace between the contending monarchs, and to prevent any further effusion of blood. This princess was mother-in-law to Edward and sister to Philip, and though she had taken the vows in a convent, and had renounced the world, she left her retreat on this occasion, and employed all her pious efforts to allay those animosities which had taken place between persons so nearly related to her and to each other. As Philip had no material claims on his antagonist, she found that he hearkened willingly to the proposals; and even the haughty and ambitious Edward, convinced of his fruitless attempt, was not averse to her negotiation. He was sensible, from experience, that he had engaged in an enterprise which far exceeded his force, and that the power of England was never likely to prevail over that of a superior kingdom firmly united under an able and prudent monarch. He discovered that all the allies whom he could gain by negotiation were, at

<sup>1</sup> Du Tillet, *Recueil de Traitez, etc.*; Heming., pp. 325, 326; Walsing., p. 149.



bottom, averse to his enterprise; and though they might second it to a certain length, would immediately detach themselves and oppose its final accomplishment, if ever they could be brought to think that there was seriously any danger of it. He even saw that their chief purpose was to obtain money from him, and as his supplies from England came in very slowly, and had much disappointed his expectations, he perceived their growing indifference in his cause and their desire of embracing all plausible terms of accommodation. Convinced at last, that an undertaking must be imprudent, which could only be supported by means so unequal to the end, he (Sept 3) concluded a truce, which left both parties in possession of their present acquisitions, and stopped all further hostilities on the side of the Low Countries, Guienne, and Scotland, till Midsummer next (Fleissard, liv. 1, chap. 64; Avesbury, p. 65). A negotiation was soon after opened at Arras, under the mediation of the Pope's legates, and the truce was attempted to be converted into a solid peace. Edward here required that Philip should free Guienne from all claims of superiority, and entirely withdraw his protection from Scotland, but as he seemed not anywise entitled to make such high demands, either from his past successes or future prospects, they were totally rejected by Philip, who agreed only to a prolongation of the truce.

The King of France soon after detached the Emperor Lewis from the alliance of England, and engaged him to revoke the title of imperial vicar, which he had conferred on Edward<sup>1</sup>. The king's other allies on the frontiers of France, disappointed in their hopes, gradually withdrew from the confederacy. And Edward himself, harassed by his numerous and importunate creditors, was obliged to make his escape by stealth into England.

The unusual tax of a ninth sheaf, lamb, and fleece, imposed by parliament, together with the great want of money, and still more of credit in England, had rendered the remittances to Flanders extremely backward, nor could it be expected that any expeditious method of collecting an imposition, which was so new in itself, and which yielded only a gradual produce, could possibly be contrived by the king or his ministers. And though the parliament, foreseeing the inconvenience, had granted as a present resource 20,000 sacks of wool, the only English goods that bore a sure price in foreign markets and were the next to ready money, it was impossible but the getting possession of such a bulky commodity, the gathering in of it from different parts of the kingdom, and the disposing of it abroad, must take up more time than the urgency of the king's affairs would permit, and must occasion all the disappointments complained of during the course of the campaign. But though nothing had happened which Edward might not reasonably have foreseen, he was so irritated with the unfortunate issue of his military operations, and so much vexed and affronted by his foreign creditors, that he was determined to throw the blame somewhere off himself, and he came in very bad humour into England. He discovered his peevish disposition by the first act which he performed after his arrival, as he landed unexpectedly, he found the Tower negligently guarded, and he immediately committed

<sup>1</sup> Heming., p. 352; Ypod Neust., p. 524, Knyghton, p. 250o.

to prison the constable and all others who had the charge of that fortress, and he treated them with unusual rigour (Ypod. Neust., p. 513). His vengeance fell next on the officers of the revenue, the sheriffs, the collectors of the taxes, the undertakers of all kinds; and besides dismissing all of them from their employments, he appointed commissioners to inquire into their conduct; and these men, in order to gratify the king's humour, were sure not to find any person innocent who came before them.<sup>1</sup> Sir John St. Paul, keeper of the privy seal, Sir John Stonore, chief justice, Andrew Aubery, Mayor of London, were displaced and imprisoned, as were also the Bishop of Chichester, chancellor, and the Bishop of Lichfield, treasurer. Stratford, Archbishop of Canterbury, to whom the charge of collecting the new taxes had been chiefly entrusted, fell likewise under the king's displeasure; but being absent at the time of Edward's arrival, he escaped feeling the immediate effects of it.

There were strong reasons which might discourage the kings of England, in those ages, from bestowing the chief offices of the crown on prelates and other ecclesiastical persons. These men had so entrenched themselves in privileges and immunities, and so openly challenged an exemption from all secular jurisdiction, that no civil penalty could be inflicted on them for any malversation in office; and as even treason itself was declared to be no canonical offence, nor was allowed to be a sufficient reason for deprivation or other spiritual censures, that order of men had ensured to themselves an almost total impunity, and were not bound by any political law or statute. But, on the other hand, there were many peculiar causes which favoured their promotion. Besides that they possessed almost all the learning of the age, and were best qualified for civil employments, the prelates enjoyed equal dignity with the greatest barons, and gave weight, by their personal authority, to the powers entrusted with them; while, at the same time, they did not endanger the crown by accumulating wealth or influence in their families, and were restrained, by the decency of their character, from that open rapine and violence so often practised by the nobles. These motives had induced Edward, as well as many of his predecessors, to entrust the chief departments of government in the hands of ecclesiastics, at the hazard of seeing their disown his authority as soon as it was turned against them.

This was the case with Archbishop Stratford. That prelate, informed of Edward's indignation against him, prepared himself for the storm; and not content with standing upon the defensive, he resolved, by beginning the attack, to show the king that he knew the privileges of his character, and had courage to maintain them. He issued a general sentence of excommunication against all who, on any pretext, exercised violence on the person or goods of clergymen, who intinged those privileges secured by the great charter and by ecclesiastical canons; or who accused a prelate of treason or any other crime, in order to bring him under the king's displeasure.<sup>2</sup> Even Edward had reason to think himself struck at by this sentence; both on account of the imprisonment of the two bishops and that of other clergymen con-

<sup>1</sup> Aecclary, p. 70; Hemmings, p. 369; Walsingham, p. 150.

<sup>2</sup> Hemmings, p. 110; Ang. Sacra, vol. 1, pp. 21, 22; Walsingham, p. 153.

cerned in levying the taxes, and on account of his seizing their lands and movables, that he might make them answerable for any balance which remained in their hands. The clergy, with the primate at their head, were now formed into a regular combination against the king; and many calumnies were spread against him, in order to deprive him of the confidence and affections of his people. It was pretended, that he meant to recal the general pardon, and the remission which he had granted of old debts, and to impose new and arbitrary taxes without consent of parliament. The archbishop went (A.D. 1341) so far, in a letter to the king himself, as to tell him, that there were two powers by which the world was governed, the holy pontifical apostolic dignity, and the royal subordinate authority, that of these two powers the clerical was evidently the supreme, since the priests were to answer, at the tribunal of the Divine judgment, for the conduct of kings themselves, that the clergy were the spiritual fathers of all the faithful, and amongst others of kings and princes; and were entitled, by a heavenly charter, to direct their wills and actions, and to censure their transgressions, and that prelates had heretofore cited emperors before their tribunal, had sitten in judgment on their life and behaviour, and had anathematised them for their obstinate offences (*Anglia Sacra*, vol. i., p. 27). These topics were not well calculated to appease Edward's indignation; and when he called a parliament, he sent not to the primate, as to the other peers, a summons to attend it. Stratford was not discouraged at this mark of neglect or anger; he appeared before the gates, arrayed in his pontifical robes, holding the crosier in his hand, and accompanied by a pompous train of priests and prelates; and he required admittance as the first and highest peer in the realm. During two days, the king rejected his application; but sensible, either that this affair might be attended with dangerous consequences, or that in his impatience he had groundlessly accused the primate of malversation in his office, which seems really to have been the case, he at last permitted him to take his seat, and was reconciled to him (*Anglia Sacra*, vol. i., pp. 38, 39, 40, 41).

Edward now found himself in a bad situation both with his own people and with foreign states; and it required all his genius and capacity to extricate himself from such multiplied difficulties and embarrassments. His unjust and exorbitant claims on France and Scotland had engaged him in an implacable war with these two kingdoms, his nearest neighbours; he had lost almost all his foreign alliances by his irregular payments; he was deeply involved in debts, for which he owed a consuming interest; his military operations had vanished into smoke; and except his naval victory, none of them had been attended even with glory or renown, either to himself or to the nation; the animosity between him and the clergy was open and declared; the people were discontented on account of many arbitrary measures, in which he had been engaged; and, what was more dangerous, the nobility, taking advantage of his present necessities, were determined to retrench his power, and by encroaching on the ancient prerogatives of the crown, to acquire to themselves independence and authority. But the aspiring genius of Edward, which had so far transported him beyond the bounds of discretion, proved at last sufficient to reinstate

him in his former authority, and finally to render his reign the most triumphant that is to be met with in English story; though for the present he was obliged, with some loss of honour, to yield to the current which bore so strongly against him.

The parliament framed an act which was likely to produce considerable innovations in the government. They promised, that whereas the great charter had, to the manifest peril and slander of the king and damage of his people, been violated in many points, particularly by the imprisonment of free men, and the seizure of their goods without suit, indictment, or trial, it was necessary to confirm it anew, and to oblige all the chief officers of the law, together with the steward and chamberlain of the household, the keeper of the privy-seal, the controller and treasurer of the wardrobe, and those who were entrusted with the education of the young prince, to swear to the regular observance of it. They also remarked, that the peers of the realm had formerly been arrested and imprisoned, and dispossessed of their temporalities and lands, and even some of them put to death, without judgment or trial; and they therefore enacted that such violences should henceforth cease, and no peer be punished but by the award of his peers in parliament. They required that, whenever any of the great offices above mentioned became vacant, the king should fill it by the advice of his council, and the consent of such barons as should at that time be found to reside in the neighbourhood of the court. And they enacted that, on the third day of every session, the king should resume into his own hand all these offices, except those of justices of the two benches and the barons of exchequer; that the ministers should for the time be reduced to private persons, that they should in that condition answer before parliament to any accusation brought against them; and that, if they were found anywise guilty, they should finally be dispossessed of their offices, and more able persons be substituted in their place (15 Edward III.). By these last regulations, the barons approached as near as they durst to those restrictions which had formerly been imposed on Henry III and Edward II., and which, from the dangerous consequences attending them, had become generally so odious, that they did not expect to have either the concurrence of the people in demanding them, or the assent of the present king in granting them.

In return for these important concessions, the parliament offered the king a grant of 20,000 sacks of wool, and his wants were so urgent, from the clamours of his creditors, and the demands of his foreign allies, that he was obliged to accept of the supply on these hard conditions. He ratified this statute in full parliament; but he secretly entered a protest of such a nature, as were sufficient, one should imagine, to destroy all future trust and confidence with his people; he declared that, as soon as his convenience permitted, he would, from his own authority, revoke what had been extorted from him.<sup>1</sup> Accordingly, he was no sooner possessed of the parliamentary supply,

<sup>1</sup> Statutes at Large, 15 Edw. III. That this protest of the king's was secret, appears evidently, since otherwise it would have been ridiculous in the parliament to have accepted of his assent; besides, the king owns that he dissimbled, which would not have been the case, had his protest been public.

than he issued an edict, which contains many extraordinary positions and pretensions. He first asserts, that that statute had been enacted contrary to law; as if a free legislative body could ever do anything illegal. He next affirms that, as it was hurtful to the prerogatives of the crown, which he had sworn to defend, he had only dissembled, when he seemed to ratify it, but that he had never in his own breast given his assent to it. He does not pretend, that either he or the parliament lay under force, but only that some inconvenience would have ensued, had he not seemingly affixed his sanction to that pretended statute. He therefore, with the advice of his council, and of some earls and barons, abrogates and annuls it; and though he professes himself willing and determined to observe such articles of it as were formerly law, he declares it to have thenceforth no force or authority (Statutes at Large, 15 Edw. III.) The parliaments, that were afterwards assembled, took no notice of this arbitrary exertion of royal power, which, by a paucity of reason, left all their laws at the mercy of the king, and during the course of two years, Edward had so far re-established his influence, and freed himself from his present necessities, that he then obtained from his parliament a legal repeal of the obnoxious statute (Cotton's Abridgm., pp. 38, 39). This transaction certainly contains remarkable circumstances, which discover the manners and sentiments of the age, and may prove what inaccurate work might be expected from such rude hands, when employed in legislation, and in rearing the delicate fabric of laws and a constitution.

But though Edward had happily recovered his authority at home, which had been impaired by the events of the French war, he had undergone so many mortifications from that attempt, and saw so little prospect of success, that he might have dropped his claim, had not a revolution in Brittany opened to him more promising views, and given his enterprising genius a full opportunity of displaying itself.

John III., Duke of Brittany, had, during some years, found himself declining through age and infirmities; and having no issue, he was solicitous to prevent those disorders, to which, on the event of his demise, a disputed succession might expose his subjects. His younger brother, the Count of Penthièvre, had left only one daughter, whom the duke deemed his heir; and as his family had inherited the duchy by a female succession, he thought her title preferable to that of the Count of Montfort, who, being his brother by a second marriage, was the male heir of that principality (Froissard, liv. i., chap. 64). He accordingly purposed to bestow his niece in marriage on some person who might be able to defend her rights, and he cast his eye on Charles of Blois, nephew of the King of France, by his mother, Margaret of Valois, sister to that monarch. But as he both loved his subjects and was beloved by them, he determined not to take this important step without their approbation; and having assembled the states of Brittany, he represented to them the advantages of that alliance, and the prospect which it gave of an entire settlement of the succession. The Bretons willingly concurred in his choice; the marriage was concluded; all his vassals, and among the rest, the Count of Montfort, swore fealty to Charles and to his consort as to their future sovereigns; and every danger of civil commotions seemed to be obviated, as far as human prudence could provide a remedy against them.

But on the death of this good prince, the ambition of the Count of Montfort broke through all these regulations and kindled a war, not only dangerous to Brittany, but to a great part of Europe. While Charles of Blois was soliciting at the court of France the investiture of the duchy, Montfort was active in acquiring immediate possession of it; and by force or intrigue he made himself master of Rennes, Nantes, Brest, Hennebon, and all the most important fortresses, and engaged many considerable barons to acknowledge his authority (Froissard, liv. i., chap. 65, 66, 67, 68). Sensible that he could expect no favour from Philip, he made a voyage to England, on pretence of soliciting his claim to the earldom of Richmond, which had devolved to him by his brother's death; and there, offering to do homage to Edward, as King of France, for the duchy of Brittany, he proposed a strict alliance for the support of their mutual pretensions. Edward saw immediately the advantages attending this treaty; Montfort, an active and valiant prince, closely united to him by interest, opened at once an entrance into the heart of France, and afforded him much more flattering views than his allies on the side of Germany and the Low Countries, who had no sincere attachment to his cause, and whose progress was also obstructed by those numerous fortifications which had been raised on that frontier. Robert of Artois was zealous in enforcing these considerations; the ambitious spirit of Edward was little disposed to sit down under those repulses which he had received, and which he thought had so much impaired his reputation; and it required a very short negotiation to conclude a treaty of alliance between two men, who, though their plans with regard to the preference of male or female succession were directly opposite, were intimately connected by their immediate interests (Froissard, liv. i., chap. 69).

As this treaty was still a secret, Montfort, on his return, ventured to appear at Paris, in order to defend his cause before the court of peers; but observing Philip and his judges to be prepossessed against his title, and dreading their intentions of arresting him, till he should restore what he had seized by violence, he suddenly made his escape; and war (A.D. 1341) immediately commenced between him and Charles of Blois (*Ibid.*, chap. 70, 71). Philip sent his eldest son, the Duke of Normandy, with a powerful army, to the assistance of the latter; and Montfort, unable to keep the field against his rival, remained in the city of Nantes, where he was besieged. The city was taken by the treachery of the inhabitants; Montfort fell into the hands of his enemies; was conducted as a prisoner to Paris; and was shut up in the tower of the Louvre (*Ibid.*, chap. 73).

This event seemed to put an end to the pretensions of the Count of Montfort; but his affairs were (A.D. 1342) immediately retrieved by an unexpected incident, which inspired new life and vigour into his party. Jane of Flanders, Countess of Montfort, the most extraordinary woman of the age, was roused, by the captivity of her husband, from those domestic cares to which she had hitherto limited her genius; and she courageously undertook to support the falling fortunes of her family. No sooner did she receive the fatal intelligence, than she assembled the inhabitants of Rennes, where she then resided; and carrying her infant son in her arms, deployed to them the calamity of their sovereign. She

recommended to their care the illustrious orphan, the sole male remaining of their ancient princes, who had governed them with such indulgence and lenity, and to whom they had ever possessed the most zealous attachment. She declared herself willing to run all hazards with them in so just a cause, discovered the resources which still remained in the alliance of England, and entreated them to make one effort against an usurper, who, being imposed on them by the aims of France, would in return make a sacrifice to his protector of the ancient liberties of Brittany. The audience, moved by the affecting appearance, and inspired by the noble conduct of the princess, vowed to live and die with her in defending the rights of her family, all the other fortresses of Brittany embraced the same resolution, the countess went from place to place, encouraging the garrisons, providing them with everything necessary for subsistence, and conceiving the proper plans of defence, and after she had put the whole province in a good posture, she shut herself up in Hennebon, where she waited with impatience the arrival of those succours which Edward had promised her. Meanwhile, she sent over her son to England, that she might put him in a place of safety, and engage the king more strongly, by such a pledge, to embrace with zeal the interests of her family.

Charles of Blois, anxious to make himself master of so important a fortress as Hennebon, and still more to take the countess prisoner, from whose vigour and capacity all the difficulties to his succession in Brittany now proceeded, sat down before the place with a great army, composed of French, Spaniards, Genoese, and some Bretons, and he conducted the attack with indefatigable industry (*Memoirs*, liv. 1, chap. 81). The defence was no less vigorous, the besiegers were repulsed in every assault, frequent sallies were made with success by the garrison, and the countess herself being the most forward in all military operations, every one was ashamed not to exert himself to the utmost in this desperate situation. One day she perceived that the besiegers, entirely occupied in an attack, had neglected a distant quarter of their camp; and she immediately sallied forth at the head of a body of 200 cavalry, threw them into confusion, did great execution upon them, and set fire to their tents, baggage, and magazines, but when she was preparing to return, she found that she was intercepted, and that a considerable body of the enemy had thrown themselves between her and the gates. She instantly took her resolution, she ordered her men to disband, and to make the best of their way by flight to Brest, she met them at the place of rendezvous, collected another body of 500 horse, returned to Hennebon, broke unexpectedly through the enemy's camp, and was received with shouts and acclamations by the garrison, who, encouraged by this reinforcement, and by so rare an example of female valour, determined to defend themselves to the last extremity.

The reiterated attacks, however, of the besiegers had at length made several breaches in the walls; and it was apprehended that a general assault, which was every hour expected, would overpower the garrison, diminished in numbers, and extremely weakened with watching and fatigue. It became necessary to treat of a capitulation; and the Bishop of Leon was already engaged for that purpose, in a conference with Charles of Blois; when the countess, who had mounted to a high

tower, and was looking towards the sea with great impatience, descried some sails at a distance. She immediately exclaimed, 'Behold the succours! the English succours! No capitulation' (Froissard, liv. i., chap. 81). This fleet had on board a body of heavy-armed cavalry, and 6000 archers, whom Edward had prepared for the relief of Hennebon, but who had been long detained by contrary winds. They entered the harbour under the command of Sir Walter Manny, one of the bravest captains of England; and having inspired fresh courage into the garrison, immediately sallied forth, beat the besiegers from all their posts, and obliged them to decamp.

But notwithstanding this success, the Countess of Montfort found that her party, overpowered by numbers, was declining in every quarter; and she went over to solicit more effectual succours from the King of England. Edward granted her a considerable reinforcement under Robert of Artois; who embarked on board a fleet of forty-five ships, and sailed to Brittany. He was met in his passage by the enemy; an action ensued, where the countess behaved with her wonted valour, and charged the enemy sword in hand; but the hostile fleets, after a sharp action, were separated by a storm, and the English arrived safely in Brittany. The first exploit of Robert was the taking of Vannes, which he mastered by conduct and address (*Ibid.*, chap. 93); but he survived a very little time this prosperity. The Breton noblemen of the party of Charles assembled secretly in arms, attacked Vannes of a sudden, and carried the place, chiefly by reason of a wound received by Robert, of which he soon after died at sea on his return to England (*Ibid.*, chapter 94).

After the death of this unfortunate prince, the chief author of all the calamities with which his country was overwhelmed for more than a century, Edward undertook in person the defence of the Countess of Montfort; and as the last truce with France was now expired, the war, which the English and French had hitherto carried on as allies to the competitors for Brittany, was thenceforth conducted in the name and under the standard of the two monarchs. The king landed at Morbihan, near Vannes, with an army of 12,000 men; and being master of the field, he endeavoured to give a lustre to his arms by commencing at once three important sieges, that of Vannes, of Rennes, and of Nantes. But by undertaking too much, he failed of success in all his enterprises. Even the siege of Vannes, which Edward in person conducted with vigour, advanced but slowly (Froissard, liv. i., chap. 95); and the French had all the leisure requisite for making preparations against him. The Duke of Normandy, eldest son of Philip, appeared in Brittany at the head of an army of 30,000 infantry, and 4000 cavalry; and Edward was now obliged to draw together all his forces, and to entrench himself strongly before Vannes, where the Duke of Normandy soon after arrived, and in a manner invested the besiegers. The garrison and the French camp were plentifully supplied with provisions; whilst the English, who durst not make any attempt upon the place in the presence of a superior army, drew all their subsistence from England, exposed to the hazards of the sea, and sometimes to those which arose from the fleet of the enemy. In this dangerous situation, Edward (*A.D.* 1343) willingly hearkened to the mediation of



the Pope's legates, the Cardinals of Palestine and Frescati, who endeavoured to negotiate, if not a peace, at least a truce between the two kingdoms. A treaty was concluded for a cessation of arms during three years (*Ibid.*, chap. 99; Avesbury, p. 102), and Edward had the abilities, notwithstanding his present dangerous situation, to procure to himself very equal and honourable terms. It was agreed that Vannes should be sequestered, during the truce, in the hands of the legates, to be disposed of afterwards as they pleased; and though Edward knew the partiality of the court of Rome towards his antagonists, he saved himself by this device from the dishonour of having undertaken a fruitless enterprise. It was also stipulated that all prisoners should be released, that the places in Brittany should remain in the hands of the present possessors, and allies on both sides should be comprehended in the truce (*Heming*, p. 359). Edward, soon after concluding this treaty, embarked with his army for England.

The truce, though calculated for a long time, was of very short duration; and each monarch endeavoured to throw on the other the blame of its infraction. Of course the historians of the two countries differ in their account of the matter. It seems probable, however, as is affirmed by the French writers, that Edward, in consenting to the truce, had no other view than to extricate himself from a perilous situation into which he had fallen, and was afterwards very cautious in observing it. In all the memorials which remain on this subject, he complains chiefly of the punishment inflicted on Oliver de Clisson, John de Montauban, and other Breton noblemen, who, he says, were partisans of the family of Montfort, and consequently under the protection of England.<sup>1</sup> But it appears that, at the conclusion of the truce, those noblemen had openly, by their declarations and actions, embraced the cause of Charles of Blois (*Floissard*, liv. i., chap. 96, p. 100); and if they had entered into any secret correspondence and engagements with Edward, they were traitors to their party, and were justly punishable by Philip and Charles for their breach of faith; nor had Edward any ground of complaint against France for such severities. But when he laid these pretended injuries before the parliament, whom he affected to consult on all occasions, that assembly entered (A D 1344) into the quarrel, advised the king not to be amused by a fraudulent truce, and granted him supplies for the renewal of the war: the counties were charged with a fifteenth for two years, and the boroughs with a tenth. The clergy consented to give a tenth for three years.

These supplies enabled the king to complete his military preparations; and he sent his cousin, Henry, Earl of Derby, son of the Earl of Lancaster, into Guienne, for the defence of that province (*Floissard*, liv. i., chap. 103; Avesbury, p. 121). This prince, the most accomplished in the English court, possessed to a high degree the virtues of justice and humanity, as well as those of valour and conduct,<sup>2</sup> and not content with protecting and cherishing the province committed to his care, he

<sup>1</sup> Rymer, vol. v., pp. 453, 454, 459, 466, 496, *Heming*, p. 376.

<sup>2</sup> It is reported of this prince, that, having once, before the attack of a town, promised the soldiers the plunder, one private man happened to fall upon a great chest full of money, which he immediately brought the earl, as thinking it too great for himself to keep possession of it. But Derby told him, that his promise did not depend on the greatness or smallness of the sum, and ordered him to keep it all for his own use.

made a successful invasion on the enemy. He attacked the Count of Lisle, the French general, at Bergerac, beat him from his entrenchments, and took the place. He reduced a great part of Périgord, and continually advanced in his conquests, till the Count of Lisle having collected an army of ten or twelve thousand men (A.D. 1345) sat down before Auberoche, in hopes of recovering that place, which had fallen into the hands of the English. The Earl of Derby came upon him by surprise with only a thousand cavalry, threw the French into disorder, pushed his advantages, and obtained a complete victory. Lisle himself, with many considerable nobles, was taken prisoner (Froissard, liv. 1, chap. 104). After this important success, Derby made a rapid progress in subduing the French provinces. He took Monsegur, Monsepat, Villefranche, Miremont, and Tonnins, with the fortress of Damassen. Aiguillon, a fortress deemed impregnable, fell into his hands from the cowardice of the governor. Angoulême was surrendered after a short siege. The only place where he met with considerable resistance was Reole, which, however was at last reduced after a siege of above nine weeks (Ibid, chap. 110). He made an attempt on Blaye, but thought it more prudent to raise the siege than waste his time before a place of small importance (Ibid, ch. 112).

The reason why Derby was (A.D. 1346) permitted to make, without opposition, such progress on the side of Guenne, was the difficulties under which the French finances then laboured, and which had obliged Philip to lay on new impositions, particularly the duty on salt, to the great discontent and almost mutiny of his subjects. But after the court of France was supplied with money, great preparations were made, and the Duke of Normandy, attended by the Duke of Burgundy, and other great nobility, led towards Guenne a powerful army, which the English could not think of resisting in the open field. The Earl of Derby stood on the defensive, and allowed the French to carry on, at leisure, the siege of Angoulême, which was their first enterprise. John, Lord Norwich, the governor, after a brave and vigorous defence, found himself reduced to such extremities as obliged him to employ a stratagem in order to save his garrison, and to prevent his being reduced to surrender at discretion. He appeared on the walls, and desured a parley with the Duke of Normandy. The prince there told Norwich that he supposed he intended to capitulate. 'Not at all,' replied the governor; 'but as to-morrow is the feast of the Virgin, to whom, I know, that you, sir, as well as myself, bear a great devotion, I desire a cessation of arms for that day.' The proposal was agreed to; and Norwich, having ordered his forces to prepare all their baggage, marched out next day, and advanced towards the French camp. The besiegers, imagining they were to be attacked, ran to their arms, but Norwich sent a messenger to the duke, reminding him of his engagement. The duke, who piqued himself on faithfully keeping his word, exclaimed, 'I see the governor has outwitted me; but let us be content with gaining the place,' and the English were allowed to pass through the camp unmolested (Froissard, liv. 1, chap. 120). After some other successes, the Duke of Normandy laid siege to Aiguillon, and as the natural strength of the fortress, together with a brave garrison under the command of the Earl of Pembroke

and Sir Walter Manny, rendered it impossible to take the place by assault, he purposed, after making several fruitless attacks (*Ibid.*, chap. 121), to reduce it by famine but before he could finish his enterprise, he was called to another quarter of the kingdom, by one of the greatest disasters that ever befel the French monarchy (*Ibid.*, chap. 134)

Edward, informed by the Earl of Derby of the great danger to which Guienne was exposed, had prepared a force with which he intended, in person, to bring it relief. He embarked at Southampton on board a fleet of near a thousand sail of all dimensions, and carried with him, besides all the chief nobility of England, his eldest son, the Prince of Wales, now fifteen years of age. The winds proved long contrary (*Avesbury*, p. 123), and the king, in despair of arriving in time at Guienne, was at last persuaded by Geoffrey d'Harcourt to change the destination of his enterprise. This nobleman was a Norman by birth, had long made a considerable figure in the court of France, and was generally esteemed for his personal merit and valour; but being disoblged and persecuted by Philip, he had fled into England, had recommended himself to Edward, who was an excellent judge of men, and had succeeded to Robert of Atois in the invidious office of exciting and assisting the king in every enterprise against his native country. He had long insisted that an expedition to Normandy promised, in the present circumstances, more favourable success than one to Guienne, that Edward would find the northern provinces almost destitute of military force, which had been drawn to the south; that they were full of flourishing cities, whose plunder would enrich the English, that their cultivated fields, as yet unspoiled by war, would supply them with plenty of provisions, and that the neighbourhood of the capital rendered every event of importance in those quarters (*Froissard*, liv. 1., chap. 121). These reasons, which had not before been duly weighed by Edward, began to make more impression, after the disappointments which he met with in his voyage to Guienne he ordered his fleet to sail to Normandy, and (July 12) safely embarked his army at La Hogue.

This army, which, during the course of the ensuing campaign, was crowned with the most splendid success, consisted of four thousand men at arms, ten thousand archers, ten thousand Welsh infantry, and six thousand Irish. The Welsh and the Irish were light, disorderly troops, fitter for doing execution in a pursuit, or scouring the country, than for any stable action. The bow was always esteemed a frivolous weapon where true military discipline was known, and regular bodies of well armed foot maintained. The only solid force in this army were the men at arms, and even these, being cavalry, were, on that account, much inferior in the shock of battle to good infantry; and as the whole were new levied troops, we are led to entertain a very mean idea of the military force of those ages, which being ignorant of every other art, had not properly cultivated the art of war itself, the sole object of general attention.

The king created the Earl of Arundel constable of his army, and the Earls of Warwick and Harcourt mareschals, he bestowed the honour of knighthood on the Prince of Wales and several of the young nobility, immediately upon his landing. After destroying all the ships in La

Hogue, Barfleur, and Cherbourg, he spread his army over the whole country, and gave them an unbounded licence of burning, spoiling, and plundering every place of which they became masters. The loose discipline then prevalent could not be much hurt by these disorderly practices, and Edward took care to prevent any surprise by giving orders to his troops, however they might disperse themselves in the daytime, always to quarter themselves at night near the main body. In this manner Montebourg, Carentan, St. Lo, Valognes, and other places in the Cotentin, were pillaged without resistance, and thus an universal consternation was spread over the province (Froissard, liv 1, chap 122).

The intelligence of this unexpected invasion soon reached Paris, and threw Philip into great perplexity. He issued orders, however, for levying forces in all quarters, and despatched the Count of Eu, constable of France, and the Count of Tancarville, with a body of troops, to the defence of Caen, a populous and commercial, but open city, which lay in the neighbourhood of the English army. The temptation of so rich a prize soon allured Edward to approach it; and the inhabitants, encouraged by their numbers, and by the reinforcements which they daily received from the country, ventured to meet him in the field. But their courage failed them on the first shock: they fled with precipitation, the Counts of Eu and Tancarville were taken prisoners; the victors entered the city along with the vanquished, and a furious massacre commenced, without distinction of age, sex, or condition. The citizens, in despair, barricaded their houses, and assaulted the English with stones, bricks, and every missile weapon; the English made way by fire to the destruction of the citizens, till Edward, anxious to save both his spoil and his soldiers, stopped the massacre; and having obliged the inhabitants to lay down their arms, gave his troops licence to begin a more regular and less hazardous plunder of the city. The pillage continued for three days; the king reserved for his own share the jewels, plate, silks, fine cloth, and fine linen: and he bestowed all the remainder of the spoil on his army. The whole was embarked on board the ships, and sent over to England; together with three hundred of the richest citizens of Caen, whose ransom was an additional profit which he expected afterwards to levy (Froiss., bk. 1., ch. 124). This dismal scene passed in the presence of two cardinal legates who had come to negotiate a peace between the kingdoms.

The king moved next to Rouen, in hopes of treating that city in the same manner; but found that the bridge over the Seine was already broken down, and that the King of France himself was arrived there with his army. He marched along the banks of that river towards Paris, destroying the whole country and every town and village which he met with on his road (Ibid., chap. 125). Some of his light troops carried their ravages even to the gates of Paris, and the royal palace of St. Germain, together with Nanterre, Ruelle, and other villages, was reduced to ashes within sight of the capital. The English intended to pass the river at Poissy, but found the French army encamped on the opposite banks; and the bridge at that place, as well as all others over the Seine, broken down by orders from Philip. Edward now saw that the French meant to enclose him in their country, in hopes of

attacking him with advantage on all sides; but he saved himself by a stratagem from this perilous situation. He gave his army orders to dislodge, and to advance farther up the Seine; but immediately returning by the same road, he arrived at Poissy, which the enemy had already quitted in order to attend his motions. He repaired the bridge with incredible celerity, passed over his army, and having thus disengaged himself from the enemy, advanced by quick marches towards Flanders. His vanguard, commanded by Harcourt, met with the townsmen of Amiens who were hastening to reinforce their king, and defeated them with great slaughter (Froissaid, liv. 1., chap. 125). He passed by Beauvais, and burned the suburbs of that city; but as he approached the Somme, he found himself in the same difficulty as before; all the bridges on that river were either broken down or strongly guarded, an army, under the command of Godemar de Faye, was stationed on the opposite banks, Philip was advancing on him from the other quarter with an army of an hundred thousand men; and he was thus exposed to the danger of being enclosed, and of starving in an enemy's country. In this extremity he published a reward to any one that should bring him intelligence of a passage over the Somme. A peasant, called Gobin Agace, whose name has been preserved by the share which he had in these important transactions, was tempted on this occasion to betray the interests of his country; and he informed Edward of a ford below Abbeville which had a sound bottom, and might be passed without difficulty at low water (Ibid., chap. 126, 127). The king hastened thither, but found Godemar de Faye on the opposite banks. Being urged by necessity, he deliberated not a moment, but threw himself into the river, sword in hand, at the head of his troops, drove the enemy from their station, and pursued them to a distance on the plain (Froissaid, liv. i., chap. 127). The French army, under Philip, arrived at the ford when the rear guard of the English were passing. So narrow was the escape which Edward, by his prudence and celerity, made from this danger! The rising of the tide prevented the French king from following him over the ford, and obliged that prince to take his route over the bridge at Abbeville; by which some time was lost.

It is natural to think that Philip, at the head of so vast an army, was impatient to take revenge on the English, and to prevent the disgrace to which he must be exposed if an inferior enemy should be allowed, after ravaging so great a part of his kingdom, to escape with impunity. Edward, also, was sensible that such must be the object of the French monarch; and as he had advanced but a little way before his enemy, he saw the danger of precipitating his march over the plains of Picardy, and of exposing his rear to the insults of the numerous cavalry in which the French camp abounded. He took, therefore, a prudent resolution: he chose his ground with advantage near the village of Cressy; he disposed his army in excellent order; he determined to await in tranquillity the arrival of the enemy; and he hoped that their eagerness to engage and to prevent his retreat, after all their past disappointments, would hurry them on to some rash and ill-concerted action. He drew up his army on a gentle ascent, and divided them into three lines, the first was commanded by the Prince of

Wales, and under him, by the Earls of Warwick and Oxford, by Harcourt, and by the Lords Chandos, Holland, and other noblemen; the Earls of Arundel and Northampton, and the Lords Willoughby, Basset, Roos, and Sir Lewis Tufton, were at the head of the second line, he took to himself the command of the third division, by which he proposed either to bring succour to the two first lines, or to secure a retreat in case of any misfortune, or to push his advantages against the enemy. He had likewise the precaution to throw up trenches on his flanks, in order to secure himself from the numerous bodies of the French, who might assail him from that quarter; and he placed all his baggage behind him in a wood, which he also secured by an entrenchment (Froissard, liv. 1., chap. 128)

The skill and order of this disposition, with the tranquillity in which it was made, served extremely to compose the minds of the soldiers, and the king, that he might further inspire them, rode through the ranks with such an air of cheerfulness and alacrity as conveyed the highest confidence in every beholder. He pointed out to them the necessity to which they were reduced, and the certain and inevitable destruction which awaited them if, in their present situation, enclosed on all hands in an enemy's country, they trusted to anything but their own valour, or gave that enemy an opportunity of taking revenge for the many insults and indignities which they had of late put upon him. He reminded them of the visible ascendant which they had hitherto maintained over all the bodies of French troops that had fallen in their way; and assured them that the superior numbers of the army which at present hovered over them gave them not greater force, but was an advantage easily compensated by the order in which he had placed his own army, and the resolution which he expected from them. He demanded nothing, he said, but that they would imitate his own example and that of the Prince of Wales; and as the honour, the lives, the liberties of all, were now exposed to the same danger, he was confident that they would make one common effort to extricate themselves from the present difficulties, and that their united courage would give them the victory over all their enemies

It is related by some historians (Jean Villani, lib. xii., cap. 66) that Edward, besides the resources which he found in his own genius and presence of mind, employed also a new invention against the enemy, and placed in his front some pieces of artillery, the first that had yet been made use of on any remarkable occasion in Europe. This is the epoch of one of the most singular discoveries that has been made among men, a discovery which changed by degrees the whole art of war, and by consequence many circumstances in the political government of Europe. But the ignorance of that age in the mechanical arts rendered the progress of this new invention very slow. The artillery, first framed, were so clumsy and of such difficult management, that men were not immediately sensible of their use and efficacy; and even to the present times, improvements have been continually making on this furious engine, which, though it seemed contrived for the destruction of mankind, and the overthrow of empires, has in the issue rendered battles less bloody, and has given greater stability to civil societies. Nations by its means have been brought more to a level;

conquests have become less frequent and rapid; success in war has been reduced nearly to be a matter of calculation; and any nation, overmatched by its enemies, either yields to their demands, or secures itself by alliances against their violence and invasion.

The invention of artillery was at this time known in France as well as in England (Du Gange, Gloss, in verb *Bombarda*); but Philip, in his hurry to overtake the enemy, had probably left his cannon behind him, which he regarded as a useless incumbrance. All his other movements discovered the same imprudence and precipitation. Impelled by anger, a dangerous counsellor, and trusting to the great superiority of his numbers, he thought that all depended on forcing an engagement with the English; and that, if he could once reach the enemy in their retreat, the victory on his side was certain and inevitable. He made a hasty march, in some confusion, from Abbeville; but after he had advanced above two leagues, some gentlemen, whom he had sent before to take a view of the enemy, returned to him, and brought him intelligence that they had seen the English drawn up in great order, and awaiting his arrival. They therefore advised him to defer the combat till the ensuing day, when his army would have recovered from their fatigue, and might be disposed into better order than their present hurry had permitted them to observe. Philip assented to this counsel, but the former precipitation of his march, and the impatience of the French nobility, made it impracticable for him to put it in execution. One division pressed upon another. Orders to stop were not seasonably conveyed to all of them. This immense body was not governed by sufficient discipline to be manageable; and the French army, imperfectly formed into three lines, arrived, already fatigued and disordered, in presence of the enemy. The first line, consisting of 15,000 Genoese cross-bow men, was commanded by Anthony Doria and Charles Grimaldi. The second was led by the Count of Alençon, brother to the king. The king himself was at the head of the third. Besides the French monarch, there were no less than three crowned heads in this engagement—the King of Bohemia, the King of the Romans, his son, and the King of Majorca, with all the nobility and great vassals of the crown of France. The army consisted of above 120,000 men, more than three times the number of the enemy. But the prudence of one man was superior to the advantage of all this force and splendour.

The English (A.D. 1346, Aug 25), on the approach of the enemy, kept their ranks firm and immovable; and the Genoese first began the attack. There had happened, a little before the engagement, a thunder-shower, which had moistened and relaxed the strings of the Genoese cross-bows; their arrows, for this reason, fell short of the enemy. The English archers, taking their bows out of their cases, poured in a shower of arrows upon this multitude who were opposed to them, and soon threw them into disorder. The Genoese fell back upon the heavy-armed cavalry of the Count of Alençon (Froissard, liv. 1., chap. 130); who, enraged at their cowardice, ordered his troops to put them to the sword. The artillery fired amidst the crowd; the English archers, continued to send in their arrows among them; and nothing was to be seen in that vast body but hurry and confusion, terror and dismay. The young Prince of Wales had the presence of mind to take advantage

of this situation, and to lead on his line to the charge. The French cavalry, however, recovering somewhat their order, and encouraged by the example of their leader, made a stout resistance, and having at last cleared themselves of the Genoese runaways, advanced upon their enemies, and by their superior numbers began to hem them round. The Earls of Arundel and Northampton now advanced their line to sustain the prince, who, ardent in his first feats of arms, set an example of valour which was imitated by all his followers. The battle became, for some time, hot and dangerous; and the Earl of Warwick, apprehensive of the event from the superior numbers of the French, despatched a messenger to the king, and entreated him to send succours to the relief of the prince. Edward had chosen his station on the top of the hill, and he surveyed in tranquillity the scene of action. When the messenger accosted him, his first question was, whether the prince was slain or wounded. On receiving an answer in the negative, 'Return,' said he, 'to my son, and tell him that I reserve the honour of the day to him. I am confident that he will show himself worthy of the honour of knighthood which I so lately conferred upon him. He will be able, without my assistance, to repel the enemy' (Froissard, liv. i., chap. 130). This speech being reported to the prince and his attendants, inspired them with fresh courage. They made an attack with redoubled vigour on the French, in which the Count of Alençon was slain; that whole line of cavalry was thrown into disorder; the riders were killed or dismounted; the Welsh infantry rushed into the throng, and with their long knives cut the throats of all who had fallen; nor was any quarter given that day by the victors (*Ibid.*).

The king of France advanced in vain with the rear to sustain the line commanded by his brother. He found them already discomfited; and the example of their rout increased the confusion which was before but too prevalent in his own body. He had himself a horse killed under him. He was remounted, and though left almost alone, he seemed still determined to maintain the combat; when John of Hainault seized the reins of his bridle, turned about his horse, and carried him off the field of battle. The whole French army took to flight, and was followed and put to the sword without mercy by the enemy, till the darkness of the night put an end to the pursuit. The king, on his return to the camp, flew into the arms of the Prince of Wales, and exclaimed, 'My brave son! Persevere in your honourable cause. You are my son; for valiantly have you acquitted yourself to-day. You have shown yourself worthy of empire' (*Ibid.*, chap. 131).

This battle, which is known by the name of the battle of Cressy, began after three o'clock in the afternoon, and continued till evening. The next morning was foggy, and as the English observed that many of the enemy had lost their way in the night and in the mist, they employed a stratagem to bring them into their power; they erected on the eminences some French standards which they had taken in the battle; and all who were allured by this false signal were put to the sword, and no quarter given them. In excuse for this inhumanity, it was alleged that the French king had given like orders to his troops; but the real reason probably was, that the English, in their present situation, did not choose to be encumbered with prisoners.



On the day of battle, and on the ensuing, there fell by a moderate computation 1200 French knights, 1400 gentlemen, 4000 men at arms, besides about 30,000 of inferior rank (Froissard, liv. 1., chap. 131; Knyghton, p. 2588), many of the principal nobility of France, the Dukes of Lorraine and Bourbon, the Earls of Flanders, Blois, Vaudemont, Aumale, were left on the field of battle. The Kings also of Bohemia and Majorca were slain; the fate of the former was remarkable, he was blind from age, but being resolved to hazard his person, and set an example to others, he ordered the reins of his bridle to be tied on each side to the horses of two gentlemen of his train, and his dead body, and those of his attendants, were afterwards found among the slain, with their horses standing by them in that situation (Froissard, liv. 1., chap. 130; Walsingham, p. 166). His crest was three ostrich feathers, and his motto these German words, '*Ich dien,—I serve,*' which the Prince of Wales and his successors adopted in memorial of this great victory. The action may seem no less remarkable for the small loss sustained by the English, than for the great slaughter of the French; there were killed in it only one esquire and three knights (Knyghton, p. 2588), and very few of inferior rank, a demonstration that the prudent disposition planned by Edward, and the disorderly attack made by the French, had rendered the whole rather a rout than a battle, which was indeed the common case with engagements in those times.

The great prudence of Edward appeared not only in obtaining this memorable victory, but in the measures which he pursued after it. Not elated by his present prosperity, so far as to expect the total conquest of France, or even that of any considerable provinces, he purposed only to secure such an easy entrance into that kingdom, as might afterwards open the way to more moderate advantages. He knew the extreme distance of Guienne; he had experienced the difficulty and uncertainty of penetrating on the side of the Low Countries, and had already lost much of his authority over Flanders by the death of D'Arteville, who had been murdered by the populace themselves, his former partisans, on his attempting to transfer the sovereignty of that province to the Prince of Wales (Froissard, liv. 1., chap. 116). The king, therefore, limited his ambition to the conquest of Calais; and after the interval of a few days, which he employed in interring the slain, he marched with his victorious army, and presented himself before the place.

John of Vienne, a valiant knight of Burgundy, was governor of Calais, and being supplied with everything necessary for defence, he encouraged the townsmen to perform to the utmost their duty to their king and country. Edward, therefore, sensible from the beginning that it was in vain to attempt the place by force, purposed only to reduce it by famine; he chose a secure station for his camp, drew entrenchments around the whole city, raised huts for his soldiers, which he covered with straw or broom, and provided his army with all the conveniences necessary to make them endure the winter season which was approaching. As the governor soon perceived his intention, he expelled all the useless mouths; and the king had the generosity to allow these unhappy people to pass through his camp, and he even supplied them with money for their journey (Froissard, liv. i., chap. 133).

While Edward was engaged in this siege, which employed him near a twelvemonth, there passed in different places many other events, and all to the honour of the English arms.

The retreat of the Duke of Normandy from Guienne left the Earl of Derby master of the field, and he was not negligent in taking his advantage of the superiority. He took Mirebeau by assault; he made himself master of Lusignan in the same manner; Taillebourg and St. Jean d'Angeli fell into his hands, Poitiers opened its gates to him; and Derby having thus broken into the frontiers on that quarter, carried his incursions to the banks of the Loire, and filled all the southern provinces of France with horror and devastation (Froissard, liv. 1., chap. 136).

The flames of war were at the same time kindled in Brittany. Charles of Blois invaded that province with a considerable army, and invested the fortress of Roche de Rien; but the Countess of Montfort, reinforced by some English troops under Sir Thomas Dagworth, attacked him during the night in his entrenchments, dispersed his army, and took Charles himself prisoner.<sup>1</sup> His wife, by whom he enjoyed his pretensions to Brittany, compelled by the present necessity, took on her the government of the party, and proved herself a rival in every shape, and an antagonist to the Countess of Montfort, both in the field and in the cabinet. And while these heroic dames presented this extraordinary scene to the world, another princess in England, of still higher rank, showed herself no less capable of exerting every manly virtue.

The Scottish nation, after long defending with incredible perseverance their liberties against the superior force of the English, recalled their king, David Bruce, in 1342. Though that prince, neither by his age nor capacity could bring them great assistance, he gave them the countenance of sovereign authority: and as Edward's wars on the continent proved a great diversion to the force of England, they rendered the balance more equal between the kingdoms. In every truce which Edward concluded with Philip, the King of Scotland was comprehended; and when Edward made his last invasion upon France, David was strongly solicited by his ally also to begin hostilities, and to invade the northern counties of England. The nobility of his nation being always forward in such incursions, David soon mustered a great army, entered Northumberland at the head of above 50,000 men, and carried his ravages and devastations to the gates of Durham (Froissard, liv. i., chap. 137). But Queen Philippa, assembling a body of little more than 12,000 men (*Ibid.*, chap. 138), which she entrusted to the command of Lord Percy, ventured to approach him at Neville's Cross near that city, and riding through the ranks of her army, exhorted every man to do his duty, and to take revenge on these barbarous ravagers (*Ibid.*, chap. 138). Nor could she be persuaded to leave the field, till the armies were on the point of engaging. The Scots have often been unfortunate in the great pitched battles which they fought with the English, even though they commonly declined such engagements where the superiority of numbers was not on their side; but never did they receive a more fatal blow than (Oct. 17th) the

<sup>1</sup> *Ibid.*, chap. 143. Walsingham, p. 168. Ypod. Neust., pp. 517, 518.

present. They were broken and chased off the field; 15,000 of them, some historians say 20,000, were slain, among whom were Edward Keith, earl mareschal, and Sir Thomas Charteris, chancellor; and the king himself was taken prisoner, with the Earls of Sutherland, Fife, Monteith, Carric, Lord Douglas, and many other noblemen (Froissard, liv. 1, chap. 139).

Philippa having secured her royal prisoner in the Tower (Rymer, vol. v., p. 537), crossed the sea at Dover, and was received in the English camp before Calais with all the triumph due to her rank, her merit, and her success. This age was the reign of chivalry and gallantry; Edward's court excelled in these accomplishments as much as in policy and arms; and if anything could justify the obsequious devotion then professed to the fair sex, it must be the appearance of such extraordinary women as shone forth during that period.

The town of Calais had been defended with remarkable vigilance, constancy, and bravery by the townsmen, during a siege of unusual length; but Philip, informed of their distressed condition, determined at last to attempt their relief; and he approached the English with an immense army, which the writers of that age make amount to 200,000 men. But he found Edward so surrounded with morasses, and secured by entrenchments, that without running on inevitable destruction, he concluded it impossible to make an attempt on the English camp. He had no other resource than to send his rival a vain challenge to meet him in the open field; which being refused, he was obliged to decamp with his army, and disperse them into their several provinces.<sup>1</sup>

John of Vienne, governor of Calais, now saw the necessity of surrendering his fortress, which was reduced to the last extremity by famine and the fatigue of the inhabitants. He appeared on the walls, and made a signal to the English sentinels that he desired a parley. Sir Walter Manny was sent to him by Edward. 'Brave knight,' cried the governor, 'I have been entrusted by my sovereign with the command of this town; it is almost a year since you besieged me, and I have endeavoured, as well as those under me, to do our duty. But you are acquainted with our present condition; we have no hopes of relief, we are perishing with hunger; I am willing therefore to surrender, and desire, as the sole condition, to ensure the lives and liberties of these brave men, who have so long shared with me every danger and fatigue' (Froissard, liv. 1, chap. 146).

Manny replied that he was well acquainted with the intentions of the King of England; that that prince was incensed against the townsmen of Calais for their pertinacious resistance, and for the evils which they had made him and his subjects suffer, that he was determined to take exemplary vengeance on them; and would not receive the town on any condition which should confine him in the punishment of these offenders. 'Consider,' replied Vienne, 'that this is not the treatment to which brave men are entitled; if any English knight had been in my situation, your king would have expected the same conduct from him. The inhabitants of Calais have done for their sovereign what merits the esteem of every prince; much more of so gallant a prince as Edward. But I inform you, that, if we must perish, we shall not perish unre-

<sup>1</sup> Froissard, liv. 1, chap. 144, 145; Avesbury, pp. 161, 162.

'venged; and that we are not yet so reduced, but we can sell our lives at a high price to the victors. It is the interest of both sides to prevent these extremities; and I expect that you yourself, brave knight will interpose your good offices with your prince in our behalf.'

Manny was struck with the justness of these sentiments, and represented to the king the danger of reprisals, if he should give such treatment to the inhabitants of Calais. Edward was at last persuaded to mitigate the rigour of the conditions demanded; he only insisted that six of the most considerable citizens should be sent to him, to be disposed of as he thought proper; that they should come to his camp carrying the keys of the city in their hands, bareheaded and barefooted, with ropes about their necks; and on these conditions he promised to spare the lives of all the remainder (Froissard, liv. 1., chap. 146).

When this intelligence was conveyed to Calais, it struck the inhabitants with new consternation. To sacrifice six of their fellow-citizens to certain destruction, for signalling their valour in a common cause, appeared to them even more severe than that general punishment with which they were before threatened; and they found themselves incapable of coming to any resolution in so cruel and distressful a situation. At last one of the principal inhabitants, called Eustace de St. Pierre, whose name deserves to be recorded, stepped forth, and declared himself willing to encounter death for the safety of his friends and companions; another, animated by his example, made a like generous offer; a third and a fourth presented themselves to the same fate; and the whole number was soon completed. These six heroic burgesses appeared before Edward in the guise of malefactors, laid at his feet the keys of their city, and were ordered to be led to execution. It is surprising that so generous a prince should ever have entertained such a barbarous purpose against such men; and still more that he should seriously persist in the resolution of executing it.<sup>1</sup> But the entreaties of his queen saved his memory from that infamy, she threw herself on her knees before him, and, with tears in her eyes, begged the lives of these citizens. Having obtained her request, she carried them into her tent, ordered a repast to be set before them, and, after making them a present of money and clothes, dismissed them in safety (Froissard, liv. 1., chapter 146).

The king took possession of Calais; and immediately executed an act of rigour, more justifiable, because more necessary, than that which he had before resolved on. He knew that, notwithstanding his pretended title to the crown of France, every Frenchman regarded him as a mortal enemy, he therefore ordered all the inhabitants of Calais

<sup>1</sup> The story of the six burgesses of Calais, like all other extraordinary stories, is somewhat to be suspected, and so much the more, as Avesbury, p. 167, who is particular in his narration of the surrender of Calais, says nothing of it, and, on the contrary, extols in general the king's generosity and lenity to the inhabitants. The numberless mistakes of Froissard, proceeding either from negligence, credulity, or love of the marvellous, invalidate very much his testimony even though he was a contemporary, and though his history was dedicated to Queen Philippa herself. It is a mistake to imagine that the patrons of dedications read the books, much less vouch for the contents of them. It is not a slight testimony that should make us give credit to a story so dishonourable to Edward, especially after that proof of his humanity in allowing a free passage to all the women, children, and infirm people, at the beginning of the siege; at least, it is scarcely to be believed, that, if the story has any foundation, he seriously meant to execute his menaces against the six townsmen of Calais.

to evacuate the town, and he peopled it anew with English; a policy which probably preserved so long to his successors the dominion of that important fortress. He made it the staple of wool, leather, tin, and lead; the four chief, if not the sole commodities of the kingdom, for which there was any considerable demand in foreign markets. All the English were obliged to bring thither these goods, foreign merchants came to the same place to purchase them; and at a period when posts were not established, and when the communication between states was so imperfect, this institution, though it hurt the navigation of England, was probably of advantage to the kingdom.

Through the mediation of the Pope's legates, Edward concluded a truce with France; but, even during this cessation of arms, he had very nearly lost Calais, the sole fruit of all his boasted victories. The king had entrusted that place to Aimery de Pavie, an Italian, who had discovered bravery and conduct in the wars, but was utterly destitute of every principle of honour and fidelity. This man agreed to deliver up Calais for the sum of 20,000 crowns, and Geoffrey de Charni, who commanded the French forces in those quarters, and who knew that, if he succeeded in this service, he should not be disavowed, ventured, without consulting his master, to conclude the bargain with him. Edward, informed of this treachery by means of Aimery's secretary, summoned the governor to London on other pretences, and having charged him with the guilt, promised him his life, but on condition that he would turn the contrivance to the destruction of the enemy. The Italian easily agreed to this double treachery. A day was appointed for the admission of the French; and Edward, having prepared a force of about a thousand men, under Sir Walter Manny, secretly departed from London, carrying with him the Prince of Wales; and, without being suspected, arrived the evening before at Calais. He made a proper disposition for the reception of the enemy, and kept all his forces and the garrison under arms. On the appearance of Charni, a chosen band of French soldiers was admitted at the postern; and Aimery, receiving the stipulated sum, promised that, with their assistance, he would immediately open the great gate to the troops, who were waiting with impatience for the fulfilment of his engagement. All the French who entered were immediately slain, or taken prisoners; the great gate opened (A.D. 1349, 1 Jan.), Edward rushed forth with cries of battle and victory, the French, though astonished at the event, behaved with valour; a fierce and bloody engagement ensued. As the morning broke, the king, who was not distinguished by his arms, and who fought as a private man under the standard of Sir Walter Manny, remarked a French gentleman, called Eustace de Ribau mont, who exerted himself with singular vigour and bravery, and he was seized with a desire of trying a single combat with him. He stepped forth from his troop, and challenging Ribau mont by name (for he was known to him), began a sharp and dangerous encounter. He was twice beaten to the ground by the valour of the Frenchman; he twice recovered himself; blows were redoubled with equal force on both sides, the victory was long undecided, till Ribau mont, perceiving himself to be left almost alone, called out to his antagonist, 'Sir knight, I yield myself your prisoner,' and at the same time delivered his sword to the king. Most of the

French, being overpowered by numbers, and intercepted in their retreat, lost either their lives or their liberty (Froiss, liv. 1., ch. 140, 141, 142).

The French officers who had fallen into the hands of the English were conducted into Calais, where Edward discovered to them the antagonist with whom they had the honour to be engaged, and treated them with great regard and courtesy. They were admitted to sup with the Prince of Wales and the English nobility; and, after supper, the king himself came into the apartment, and went about, conversing familiarly with one or other of his prisoners. He even addressed himself to Charni, and avoided reproaching him, in too severe terms, with the treacherous attempt which he made upon Calais during the truce; but he openly bestowed the highest encomiums on Ribaultmont; called him the most valorous knight that he had ever been acquainted with; and confessed that he himself had at no time been in so great danger as when engaged in combat with him. He then took a string of pearls which he wore about his own head, and throwing it over the head of Ribaultmont, he said to him, 'Sir Eustace, I bestow this present upon you as a testimony of my esteem for your bravery, and I desire you to wear it for my sake; I know you to be gay and amorous, and to take delight in the company of ladies and damsels; let them all know from what hand you had the present, you are no longer a prisoner; I acquit you of your ransom, and you are at liberty to-morrow to dispose of yourself as you think proper.'

Nothing proves more evidently the vast superiority assumed by the nobility and gentry above all the other orders of men during those ages, than the extreme difference which Edward made in his treatment of these French knights, and that of the six citizens of Calais, who had exerted more signal bravery in a cause more justifiable and more honourable.

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## CHAPTER XVI.

### EDWARD III.

*Institution of the garter.—State of France—Battle of Poitiers.—Captivity of the King of France—State of that kingdom—Invasion of France—Peace of Bretigny.—State of France—Expedition into Castile—Rupture with France.—Ill success of the English—Death of the Prince of Wales.—Death—and character of the king.—Miscellaneous transactions in this reign.*

THE prudent conduct and great success of Edward in his foreign wars had excited a strong emulation and a military genius among the English nobility, and these turbulent barons, overawed by the crown, gave now a more useful direction to their ambition, and attached themselves to a prince who led them to the acquisition of riches and glory. That he might further promote the spirit of emulation and obedience, the king instituted the order of the garter, in imitation of some orders of a like nature, religious as well as military, which had been established in different parts of Europe. The number received into this

order consisted of twenty-five persons, besides the sovereign; and as it has never been enlarged, this badge of distinction continues as honourable as at its first institution, and is still a valuable, though a cheap present, which the prince can confer on his greatest subjects. A vulgar story prevails, but is not supported by any ancient authority, that at a court ball, Edward's mistress, commonly supposed to be the Countess of Salisbury, dropped her garter; and the king, taking it up, observed some of the courtiers to smile, as if they thought that he had not obtained this favour merely by accident. upon which he called out, '*Hon! soit qui mal y pense,*' Evil to him that evil thinks; and as every incident of gallantry among those ancient warriors was magnified into a matter of great importance,<sup>1</sup> he instituted the order of the garter in memorial of this event, and gave these words as the motto of the order. This origin, though frivolous, is not unsuitable to the manners of the times; and it is indeed difficult by any other means to account, either for the seemingly unmeaning terms of the motto, or for the peculiar badge of the garter, which seems to have no reference to any purpose either of military use or ornament.

But a sudden damp was thrown over this festivity and triumph of the court of England, by a destructive pestilence which invaded that kingdom, as well as the rest of Europe, and is computed to have swept away near a third of the inhabitants in every country which it attacked. It was probably more fatal in great cities than in the country; and about fifty thousand souls are said to have perished by it in London alone.<sup>2</sup> This malady first discovered itself in the north of Asia, was spread over that country, made its progress from one end of Europe to the other, and sensibly depopulated every state through which it passed. So grievous a calamity, more than the pacific disposition of the princes, served to maintain and prolong the truce between France and England.

During this truce, Philip de Valois died, without being able to re-establish the affairs of France, which his bad success against England had thrown into extreme disorder. This monarch, during the first years of his reign, had obtained the appellation of 'Fortunate,' and acquired the character of prudent, but he ill maintained either the one or the other, less from his own fault, than because he was overmatched by the superior fortune and superior genius of Edward. But the incidents in the reign of his son John gave the French nation cause to regret even the calamitous times of his predecessor. John was distinguished by many virtues, particularly a scrupulous honour and fidelity; he was not deficient in personal courage; but as he wanted

<sup>1</sup> There was a singular instance about this time of the prevalence of chivalry and gallantry in the nations of Europe. A solemn duel of thirty knights against thirty was fought between Bembridge, an Englishman, and Beaumanoir, a Breton, one of the party of Charles of Blois. The knights of the two nations came into the field, and before the combat began Beaumanoir called out, that it would be seen that day *who had the fairest mistresses*. After a bloody combat the Bretons prevailed, and grined for their prize full liberty to boast of their mistresses' beauty. It is remarkable, that two such famous generals as Sir Robert Knolles and Sir Hugh Calverley drew their swords in the ridiculous contest. Pere Daniel, vol. ii., p. 537, etc. The women not only instigated the champions to the rough, if not bloody frays of tournament, but also frequented the tournaments during all the reign of Edward, whose spirit of gallantry encouraged this practice. Knyghton, p. 297.

<sup>2</sup> Stowe's Survey, p. 478. There were buried 50,000 bodies in one churchyard, which Sir Walter Manny had bought for the use of the poor. The same author says, that there died above 50,000 persons of the plague in Norwich, which is quite incredible.

that masterly prudence and foresight which his difficult situation required, his kingdom was (A.D. 1354) at the same time disturbed by intestine commotions and oppressed with foreign wars. The chief source of its calamities was Charles King of Navarre, who received the epithet of the 'Bad or Wicked,' and whose conduct fully entitled him to that appellation. This prince was descended from males of the blood royal of France; his mother was daughter of Lewis Hutin; he had himself espoused a daughter of King John, but all these ties, which ought to have connected him with the throne, gave him only greater power to shake and overthrow it. With regard to his personal qualities, he was courteous, affable, engaging, eloquent; full of insinuation and address; inexhaustible in his resources; active and enterprising. But these splendid accomplishments were attended with such defects as rendered them pernicious to his country, and even ruinous to himself; he was volatile, inconstant, faithless, revengeful, malicious; restrained by no principle or duty; insatiable in his pretensions; and whether successful or unfortunate in one enterprise, he immediately undertook another, in which he was never deterred from employing the most criminal and dishonourable expedients.

The constable of Eu, who had been taken prisoner by Edward at Caén, recovered his liberty, on the promise of delivering as his ransom the town of Guisnes, near Calais, of which he was superior lord, but as John was offended at this stipulation, which, if fulfilled, opened still farther that frontier to the enemy; and as he suspected the constable of more dangerous connections with the King of England, he ordered him to be seized, and without any legal or formal trial put him to death in prison. Charles de la Ceida was appointed constable in his place, and had a like fatal end, the King of Navarre ordered him to be assassinated; and such was the weakness of the crown, that this prince, instead of dreading punishment, would not even agree to ask pardon for his offence, but on condition that he should receive an accession of territory; and he had also John's second son put into his hands as a security for his person, when he came to court and performed this act of mock penitence and humiliation before his sovereign (Froissard, liv. 1, chap. 144).

The two French princes seemed (A.D. 1355) entirely reconciled; but this dissimulation, to which John submitted from necessity, and Charles from habit, did not long continue; and the King of Navarre knew that he had reason to apprehend the most severe vengeance for the many crimes and treasons which he had already committed, and the still greater which he was meditating. To ensure himself of protection, he entered into a secret correspondence with England, by means of Henry Earl of Derby, now Earl of Lancaster, who at that time was employed in fruitless negotiations for peace at Avignon, under the mediation of the Pope. John detected this correspondence, and to prevent the dangerous effects of it, he sent forces into Normandy, the chief seat of the King of Navarre's power, and attacked his castles and fortresses. But, hearing that Edward had prepared an army to support his ally, he had the weakness to propose an accommodation with Charles, and even to give this traitorous subject the sum of a hundred thousand crowns as the purchase of a feigned



reconciliation, which rendered him still more dangerous. The King of Navarre, insolent from past impunity, and desperate from the dangers which he apprehended, continued his intrigues; and associating himself with Geoffrey D'Harcourt, who had received his pardon from Philip de Valois, but persevered still in his factious disposition, he increased the number of his partisans in every part of the kingdom. He even seduced, by his address, Charles the King of France's eldest son, a youth of seventeen years of age, who was the first that bore the appellation of Dauphin, by the reunion of the province of Dauphiny to the crown. But this prince, being made sensible of the danger and folly of these connections, promised to make atonement for the offence by the sacrifice of his associates; and in concert with his father, he invited the King of Navarre, and other noblemen of the party, to a feast at Rouen, where they were betrayed into the hands of John. Some of the most obnoxious were immediately led to execution, the King of Navarre was thrown into prison (Froissard, liv. 1, chap. 146; Avesbury, p. 243); but this stroke of severity in the king, and of treachery in the Dauphin, was far from proving decisive in maintaining the royal authority. Philip of Navarre, brother to Charles, and Geoffrey D'Harcourt, put all the towns and castles belonging to that prince in a posture of defence, and had immediate recourse to the protection of England in this desperate extremity.

The truce between the two kingdoms, which had always been ill observed on both sides, was now expired, and Edward was entirely free to support the French malcontents. Well pleased that the factions in France had at length gained him some partisans in that kingdom, which his pretensions to the crown had never been able to accomplish, he purposed to attack his enemy both on the side of Guienne under the command of the Prince of Wales, and on that of Calais in his own person.

Young Edward arrived in the Garonne with his army on board a fleet of three hundred sail, attended by the Earls of Warwick, Salisbury, Oxford, Suffolk, and other English noblemen. Being joined by the vassals of Gascony, he took the field, and as the present disorders in France prevented every proper plan of defence, he carried on with impunity his ravages and devastations, according to the mode of war in that age. He reduced all the villages and several towns in Languedoc to ashes; he presented himself before Toulouse, passed the Garonne, and burned the suburbs of Carcassonne; advanced even to Narbonne, laying every place waste around him; and after an incursion of six weeks, returned with a vast booty and many prisoners to Guienne, where he took up his winter quarters (Froissard, liv. 1, chap. 144, 146). The constable of Bourbon, who commanded in those provinces, received orders, though at the head of a superior army, on no account to run the hazard of a battle.

The King of England's incursion from Calais was of the same nature, and attended with the same issue. He broke into France at the head of a numerous army, to which he gave a full licence of plundering and ravaging the open country. He advanced to St. Omer where the King of France was posted, and on the retreat of that prince, followed him to Hesdin.<sup>1</sup> John still kept at a distance and declined an engagement;

<sup>1</sup> Froissard, liv. 1, chap. 144. Avesbury, p. 206; Walsing., p. 171.

but in order to save his reputation, he sent Edward a challenge to fight a pitched battle with him, a usual bravado in that age, derived from the practice of single combat, and ridiculous in the art of war. The king, finding no sincerity in this defiance, retired to Calais and thence went over to England in order to defend that kingdom against a threatened invasion of the Scots.

The Scots, taking advantage of the king's absence, and that of the military power of England, had surprised Berwick, and had collected an army with a view of committing ravages upon the northern provinces; but on the approach of Edward they abandoned that place, which was not tenable while the castle was in the hands of the English, and retiring to their mountains, gave the enemy full liberty of burning and destroying the whole country from Berwick to Edinburgh (Walsing., p. 171). Baliol attended Edward on this expedition, but finding that his constant adherence to the English had given his countrymen an unconquerable aversion to his title, and that he himself was declining through age and infirmities, he finally resigned into the king's hands his pretensions to the crown of Scotland,<sup>1</sup> and received in lieu of them an annual pension of 2000*l.*, with which he passed the remainder of his life in privacy and retirement.

During these military operations, Edward received information of the increasing disorders in France arising from the imprisonment of the King of Navarre, and he sent Lancaster at the head of a small army to support the partisans of that prince in Normandy. The war was conducted with various success, but chiefly to the disadvantage of the French malcontents, till an important event happened in the other quarter of the kingdom which had well-nigh proved fatal to the monarchy of France, and threw everything into the utmost confusion.

The Prince of Wales, encouraged by the success of the preceding campaign (A.D. 1356), took the field with an army which no historian makes amount to above 12,000 men, and of which not a third were English, and with this small body he ventured to penetrate into the heart of France. After ravaging the Agenois, Quercy, and the Limousin, he entered the province of Berry and made some attacks, though without success, on the towns of Bourges and Issoudun. It appeared that his intentions were to march into Normandy and to join his forces with those of the Earl of Lancaster and the partisans of the King of Navarre, but finding all the bridges on the Loire broken down, and every pass carefully guarded, he was obliged to think of making his retreat into Guienne (Walsing., p. 171). He found this resolution the more necessary from the intelligence which he received of the King of France's motions. That monarch, provoked at the insult offered him by this incursion, and entertaining hopes of success from the young prince's temerity, collected a great army of above 60,000 men, and advanced by hasty marches to intercept his enemy. The prince, not aware of John's near approach, lost some days on his retreat before the Castle of Remorantin,<sup>2</sup> and thereby gave the French an opportunity of overtaking him. They came within sight at Maupertuis near Poitiers, and Edward, sensible that his retreat was now become impractic-

<sup>1</sup> Rymer, vol. v, p. 823; *Vpod Nenst*, p. 522.

<sup>2</sup> Froissard, liv. i, chap. 158; Walsing., p. 172.

cable, prepared for battle with all the courage of a young hero, and all the prudence of the oldest and most experienced commander.

But the utmost prudence and courage would have proved insufficient to save him in this extremity had the King of France known how to make use of his present advantages. His great superiority in numbers enabled him to surround the enemy, and by intercepting all provisions, which were already become scarce in the English camp, to reduce this small army without a blow to the necessity of surrendering at discretion. But such was the impatient ardour of the French nobility, and so much had their thoughts been bent on overtaking the English as their sole object, that this idea never struck any of the commanders, and they immediately took measures for the assault as for a certain victory. While the French army was drawn up in order of battle, they were stopped by the appearance of the Cardinal of Perigord, who having learned the approach of the two armies to each other, had hastened, by interposing his good offices, to prevent any further effusion of Christian blood. By John's permission he carried proposals to the Prince of Wales, and found him so sensible of the bad posture of his affairs that an accommodation seemed not impracticable. Edward told him that he would agree to any terms consistent with his own honour and that of England, and he offered to purchase a retreat by ceding all the conquests which he had made during this and the former campaign, and by stipulating not to serve against France during the course of seven years. But John, imagining that he had now got into his hands a sufficient pledge for the restitution of Calais, required that Edward should surrender himself prisoner with a hundred of his attendants, and offered on these terms a safe retreat to the English army. The prince rejected the proposal with disdain, and declared that whatever fortune might attend him, England should never be obliged to pay the price of his ransom. This resolute answer cut off all hopes of accommodation, but as the day was already spent in negotiating, the battle was delayed till the next morning (Froiss., liv. i, ch. 161).

The Cardinal of Perigord, as did all the prelates of the court of Rome, bore a great attachment to the French interest; but the most determined enemy could not by any expedient have done a greater prejudice to John's affairs than he did them by his delay. The Prince of Wales had leisure, during the night, to strengthen by new entrenchments the post which he had before so judiciously chosen; and he contrived an ambush of 300 men at arms, and as many archers, whom he put under the command of the Captal de Buche, and ordered to make a circuit that they might fall on the flank or rear of the French army during the engagement. The van of his army was commanded by the Earl of Warwick, the rear by the Earls of Salisbury and Suffolk, the main body by the prince himself. The Lords Chandos, Audeley, and many other brave and experienced commanders were at the head of different corps of his army.

John also arranged his forces in three divisions, nearly equal; the first was commanded by the Duke of Orleans, the king's brother; the second by the Dauphin, attended by his two younger brothers; the third by the king himself, who had by his side Philip, his fourth son and favourite, then about fourteen years of age. There was no reach-

ing the English army but through a narrow lane covered on each side by hedges, and in order to open this passage, the Mareschals Andrehen and Clermont were (Sept. 19) ordered to advance with a separate detachment of men-at-arms. While they marched along the lane, a body of English archers who lined the hedges plied them on each side with their arrows, and being very near them, yet placed in perfect safety, they coolly took their aim against the enemy and slaughtered them with impunity. The French detachment, much discouraged by the unequal combat and diminished in their number, arrived at the end of the lane, where they met on the open ground the Prince of Wales himself at the head of a chosen body ready for their reception. They were discomfited and overthrown; one of the mareschals was slain, the other taken prisoner; and the remainder of the detachment, who were still in the lane and exposed to the shot of the enemy without being able to make resistance, recoiled upon their own army and put everything into disorder (Froissard, liv. i., chap. 162). In that critical moment, the Captal de Buche unexpectedly appeared, and attacked in flank the Dauphin's line, which fell into some confusion. Landas, Bodenai, and St Venant, to whom the care of that young prince and his brothers had been committed, too anxious for their charge or for their own safety, carried them off the field, and set the example of flight, which was followed by the whole division. The Duke of Orleans, seized with a like panic and imagining all was lost, thought no longer of fighting, but carried off his division by a retreat which soon turned into a flight. Lord Chandos called out to the prince that the day was won, and encouraged him to attack the division under King John, which, though more numerous than the whole English army, were somewhat dismayed with the precipitate flight of their companions. John here made the utmost efforts to retrieve by his valour what his imprudence had betrayed, and the only resistance made that day was by his line of battle. The Prince of Wales fell with impetuosity on some German cavalry placed in the front, and commanded by the Counts of Sallebruche, Nydo, and Nosto. A fierce battle ensued; one side were encouraged by the near prospect of so great a victory; the other were stimulated by the shame of quitting the field to an enemy so much inferior; but the three German generals, together with the Duke of Orleans, Constable of France, falling in battle, that body of cavalry gave way, and left the king himself exposed to the whole fury of the enemy. The ranks were every moment thinned around him; the nobles fell by his side one after another, his son, scarcely fourteen years of age, received a wound while he was fighting valiantly in defence of his father. The king himself, spent with fatigue and overwhelmed by numbers, might easily have been slain; but every English gentleman, ambitious of taking alive the royal prisoner, spared him in the action, exhorted him to surrender, and offered him quarter. Several who attempted to seize him suffered for their temerity. He still cried out, 'Where is my cousin, the Prince of Wales?' and seemed unwilling to become prisoner to any person of inferior rank. But being told that the prince was at a distance on the field, he threw down his gauntlet and yielded himself to Dennis de Morbec, a knight of Arras

who had been obliged to fly his country for murder. His son was taken with him.<sup>1</sup>

The Prince of Wales, who had been carried away in pursuit of the flying enemy, finding the field entirely clear, had ordered a tent to be pitched, and was reposing himself after the toils of battle; inquiring still with great anxiety concerning the fate of the French monarch. He dispatched the Earl of Warwick to bring him intelligence, and that nobleman came happily in time to save the life of the captive prince, which was exposed to greater danger than it had been during the heat of the action. The English had taken him by violence from Morbeck, the Gascons claimed the honour of detaining the royal prisoner; and some brutal soldiers, rather than yield the prize to their rivals, had threatened to put him to death (Froissard, liv. 1, chap. 164). Warwick overawed both parties, and approaching the king with great demonstrations of respect, offered to conduct him to the prince's tent.

Here commences the real and truly admirable heroism of Edward, for victories are vulgar things in comparison of that moderation and humanity displayed by a young prince of twenty-seven years of age, not yet cooled from the fury of battle, and elated by as extraordinary and as unexpected success as had ever crowned the arms of any commander. He came forth to meet the captive king with all the marks of regard and sympathy; administered comfort to him amidst his misfortunes; paid him the tribute of praise due to his valour; and ascribed his own victory merely to the blind chance of war, or to a superior Providence, which controls all the efforts of human force and prudence (Poul. Cemil, p. 197). The behaviour of John showed him not unworthy of this courteous treatment, his present abject fortune never made him forget a moment that he was a king. More touched by Edward's generosity than by his own calamities, he confessed that, notwithstanding his defeat and captivity, his honour was still unimpaired; and that, if he yielded the victory, it was at least gained by a prince of such consummate valour and humanity.

Edward ordered a repast to be prepared in his tent for the prisoner, and he himself served at the royal captive's table, as if he had been one of his retinue; he stood at the king's back during the meal; constantly refused to take a place at table; and declared that, being a subject, he was too well acquainted with the distance between his own rank and that of royal majesty, to assume such freedom. All his father's pretensions to the crown of France were now buried in oblivion. John, in captivity, received the honours of a king, which were refused him when seated on the throne. His misfortunes, not his title, were respected; and the French prisoners, conquered by this elevation of mind more than by their late discomfiture, burst into tears of admiration, which were only checked by the reflection, that such genuine and unaltered heroism in an enemy must certainly in the issue prove but the more dangerous to their native country (Froissard, liv. 1., chap. 168).

All the English and Gascon knights imitated the generous example set them by their prince. The captives were everywhere treated with humanity, and were soon after dismissed, on paying moderate ransoms to the persons into whose hands they had fallen. The extent of their

<sup>1</sup> Rymér, vol. vi, pp. 72, 154. Froissard, liv. 1., chap. 164.

fortunes was considered; and an attention was given, that they should still have sufficient means left to perform their military service in a manner suitable to their rank and quality. Yet so numerous were the noble prisoners, that these ransoms, added to the spoils gained in the field, were sufficient to enrich the prince's army; and as they had suffered very little in the action, their exultation was complete.

The Prince of Wales conducted his prisoner to Bourdeaux, and not being provided with forces so numerous as might enable him to push his present advantages, he concluded a two years' truce with France (Rymer, vol. vi., p. 3), which was also become requisite, that he might conduct the captive king with safety into England. He landed (May 24) at Southwark, and was met by a great concourse of people of all ranks and stations. The prisoner was clad in royal apparel, and mounted on a white steed, distinguished by its size and beauty, and by the richness of its furniture. The conqueror rode by his side in a meaner attire, and carried by a black palfrey. In this situation, more glorious than all the insolent parade of a Roman triumph, he passed through the streets of London, and presented the King of France to his father, who advanced to meet him, and received him with the same courtesy as if he had been a neighbouring potentate, that had voluntarily come to pay him a friendly visit (Froissard, liv. i., chap. 173). It is impossible, in reflecting on this noble conduct, not to perceive the advantages which resulted from the otherwise whimsical principles of chivalry, and which gave men in those rude times some superiority even over people of a more cultivated age and nation.

The King of France, besides the generous treatment which he met with in England, had the melancholy consolation of the wretched, to see companions in affliction. The King of Scots had been eleven years a captive in Edward's hands; and the good fortune of this latter monarch had reduced at once the two neighbouring potentates, with whom he was engaged in war, to be prisoners in his capital. But Edward, finding that the conquest of Scotland was nowise advanced by the captivity of its sovereign, and that the government, conducted by Robert Stuart, his nephew and heir, was still able to defend itself, consented to restore David Bruce to his liberty, for the ransom of 100,000 marks sterling; and that prince delivered the sons of all his principal nobility as hostages for the payment.<sup>1</sup>

Meanwhile the captivity of John, joined to the preceding disorders of the French government, had (A.D. 1358) produced in that country a dissolution, almost total, of civil authority, and had occasioned confusions the most horrible and destructive that had ever been experienced in any age or in any nation. The dauphin, now about eighteen years of age, naturally assumed the royal power during his father's captivity; but though endowed with an excellent capacity, even in such early years, he possessed neither experience nor authority sufficient to defend a state, assailed at once by foreign power and shaken by intestine faction. In order to obtain supply, he assembled the states of the kingdom. That assembly, instead of supporting his administration, were themselves seized with the spirit of confusion, and laid hold of the present opportunity to demand limitations of the prince's power,

<sup>1</sup> Rymer, vol. vi., pp. 45, 46, 52, 56, Froissard, liv. i., chap. 174, Walsingham, p. 171.

the punishment of past malversations, and the liberty of the King of Navarre Marcel, provost of the merchants, and first magistrate of Paris, put himself at the head of the unruly populace; and from the violence and temerity of his character, pushed them to commit the most criminal outrages against the royal authority. They detained the dauphin in a sort of captivity they murdered in his presence Robert de Clermont and John de Conflans, mareschals, the one of Normandy, the other of Burgundy. they threatened all the other ministers with a like fate; and when Charles, who was obliged to temporize and dissemble, made his escape from their hands, they levied war against him, and openly erected the standard of rebellion. The other cities of the kingdom, in imitation of the capital, shook off the dauphin's authority; took the government into their own hands; and spread the disorder into every province. The nobles, whose inclinations led them to adhere to the crown, and were naturally disposed to check these tumults, had lost all their influence, and being reproached with cowardice on account of the base desertion of their sovereign in the battle of Poitiers, were treated with universal contempt by the inferior orders. The troops, who, from the deficiency of pay, were no longer retained in discipline, threw off all regard to their officers, sought the means of subsistence by plunder and robbery, and associating to them all the disorderly people, with whom that age abounded, formed numerous bands, which infested all parts of the kingdom. They desolated the open country; burned and plundered the villages, and by cutting off all means of communication or subsistence, reduced even the inhabitants of the walled towns to the most extreme necessity. The peasants, formerly oppressed, and now left unprotected by their masters, became desperate from their present misery, and rising everywhere in arms, carried to the last extremity those disorders, which were derived from the sedition of the citizens and disbanded soldiers (Froissard, liv 1, chap 182, 183, 184). The gentry, hated for their tyranny, were everywhere exposed to the violence of popular rage, and instead of meeting with the regard due to their past dignity, became only, on that account, the object of more wanton insult to the mutinous peasants. They were hunted like wild beasts, and put to the sword without mercy. Their castles were consumed by fire, and levelled to the ground. Their wives and daughters were first ravished, then murdered. The savages proceeded so far as to impale some gentlemen, and roast them alive before a slow fire. A body of nine thousand of them broke into Meaux, where the wife of the dauphin, with above 300 ladies, had taken shelter. The most brutal treatment and most atrocious cruelty were justly dreaded by this helpless company. But the Captal de Buche, though in the service of Edward, yet moved by generosity and by the gallantry of a true knight, flew to their rescue, and beat off the peasants with great slaughter. In other civil wars, the opposite factions, falling under the government of their several leaders, commonly preserve still the vestige of some rule and order. But here the wild state of nature seemed to be renewed. Every man was thrown loose and independent of his fellows; and the populousness of the country, derived from the preceding police of civil society, served only to increase the horror and confusion of the scene.

Amidst these disorders, the King of Navarre made his escape from prison, and presented a dangerous leader to the furious malcontents (Froissard, liv. 1., chap. 181). But the splendid talents of this prince qualified him only to do mischief, and to increase the public distractions; he wanted the steadiness and prudence requisite for making his intrigues subservient to his ambition, and forming his numerous partisans into a regular faction. He revived his pretensions, somewhat obsolete, to the crown of France; but while he advanced this claim, he relied entirely on his alliance with the English, who were concerned in interest to disappoint his pretensions; and who, being public and inveterate enemies to the state, served only, by the friendship which they seemingly bore him, to render his cause the more odious. And in all his operations, Philip of Navarre acted more like a leader of banditti, than one who aspired to be the head of a regular government, and who was engaged, by his station, to endeavour the re-establishment of order in the community.

The eyes, therefore, of all the French, who wished to restore peace to their miserable and desolated country, were turned towards the dauphin, and that young prince, though not remarkable for his military talents, possessed so much prudence and spirit, that he daily gained the ascendant over all his enemies. Marcel, the seditious provost of Paris, was slain, while he was attempting to deliver the city to the King of Navarre and the English; and the capital immediately returned to its duty (Froissard, chap. 187). The most considerable bodies of the mutinous peasants were dispersed, and put to the sword; some bands of military robbers underwent the same fate; and though many grievous disorders still remained, France began gradually to assume the face of a regular civil government, and to form some plan for its defence and security.

During the confusion in the dauphin's affairs, Edward seemed to have a favourable opportunity for pushing his conquests; but besides that his hands were tied by the truce, and he could only assist underhand the faction of Navarre, the state of the English finances and military power, during those ages, rendered the kingdom incapable of making any regular or steady effort, and obliged it to exert its force at very distant intervals, by which all the projected ends were commonly disappointed. Edward employed himself, during a conjuncture so inviting, chiefly in negotiations with his prisoner; and John had the weakness to sign terms of peace, which, had they taken effect, must have totally ruined and dismembered his kingdom. He agreed to restore all the provinces which had been possessed by Henry II and his two sons, and to annex them for ever to England, without any obligation of homage or fealty on the part of the English monarch. But the dauphin and the states of France rejected this treaty, so dishonourable and pernicious to the kingdom (Froissard, liv. 1., chap. 201), and Edward on the expiration of the truce, having now, by subsidies and frugality, collected some treasure, prepared himself for a new invasion of France.

The great authority and renown of the king and the Prince of Wales, the splendid success of their former enterprises, and the certain prospect of plunder from the defenceless provinces of France, soon brought together the whole military power of England; and the same motives



invited to Edward's standard all the hardy adventurers of the different countries of Europe (Froissard, chap. 205). He passed over to Calais, where he assembled an army of near 100,000 men, a force which the dauphin could not pretend to withstand in the open field; that prince, therefore, prepared himself to elude a blow which it was impossible for him to resist. He put all the considerable towns in a posture of defence; ordered them to be supplied with magazines and provisions; distributed proper garrisons in all places; secured everything valuable in the fortified cities, and chose his own station at Paris, with a view of allowing the enemy to vent their fury on the open country.

The king, aware of this plan of defence, was obliged (Nov. 4, A. D. 1359) to carry along with him 6000 waggons, loaded with the provisions necessary for the subsistence of his army. After ravaging the province of Picardy, he advanced into Champagne; and having a strong desire of being crowned king of France at Rheims, the usual place in which the ceremony is performed, he laid siege to that city, and carried on his attacks, though without success, for the space of seven weeks (Froissard, liv. 1, chap. 208, Walsing., p. 174). The place was bravely defended by the inhabitants, encouraged by the exhortations of the archbishop, John de Craon, till the advanced season (for this expedition was entered upon in the beginning of winter) obliged the king to raise the siege. The province of Champagne, meanwhile, was desolated by his incursions; and he thence conducted his army, with a like intent, into Burgundy. He took and pillaged Tonnerre, Gaillon, Avulon, and other small places, but the Duke of Burgundy, that he might preserve his country from further ravages, consented to pay him the sum of 100,000 nobles (Rymer, vol. vi., p. 161; Walsing., p. 174). Edward then bent his march towards the Nivernois, which saved itself by a like composition, he laid waste Brion and the Gatinois; and after a long march, very destructive to France, and somewhat ruinous to his own troops, he appeared before the gates of Paris, and taking up his quarters at Bourg-la-Reine, extended his army to Long-jumeau, Montrouge, and Vaugirard. He tried to provoke the dauphin to hazard a battle, by sending him a defiance, but could not make that prudent prince change his plan of operations. Paris was safe from the danger of an assault by its numerous garrison, from that of a blockade by its well supplied magazines; and as Edward himself could not subsist his army in a country wasted by foreign and domestic enemies, and left also empty by the precaution of the dauphin, he was obliged to remove his quarters; and he spread his troops into the provinces of Maine, Beausse, and the Chartraine, which were abandoned to the fury of their devastations (Wals., p. 175). The only repose which France experienced was during the festival of Easter, when the king stopped the course of his ravages, for superstition can sometimes restrain the rage of men, which neither justice nor humanity is able to control.

While the war was carried on in this ruinous manner, the negotiations for peace were never interrupted; but as the king still insisted on the full execution of the treaty which he had made with his prisoner at London, and which was strenuously rejected by the dauphin, there appeared no likelihood of an accommodation. The Earl, now Duke of Lancaster (for this title was introduced into England during the present

reign) endeavoured to soften the rigour of these terms, and to finish the war on more equal and reasonable conditions. He insisted with Edward that, notwithstanding his great and surprising successes, the object of the war, if such were to be esteemed the acquisition of the crown of France, was not become any nearer than at the commencement of it; or rather, was set at a greater distance by those very victories and advantages which seemed to lead to it. That his claim of succession had not from the first procured him one partisan in the kingdom, and the continuance of these destructive hostilities had united every Frenchman in the most implacable animosity against him. That though intestine faction had crept into the government of France, it was abating every moment; and no party, even during the greatest heat of the contest, when subjection under a foreign enemy usually appears preferable to the dominion of fellow citizens, had ever adopted the pretensions of the King of England. That the King of Navarre himself, who alone was allied with the English, instead of being a cordial friend, was Edward's most dangerous rival, and in the opinion of his partisans possessed a much preferable title to the crown of France. That the prolongation of the war, however it might enrich the English soldiers, was ruinous to the king himself, who bore all the charges of the armament, without reaping any solid or durable advantage from it. That if the present disorders of France continued, that kingdom would soon be reduced to such a state of desolation that it would afford no spoils to its ravagers; if it could establish a more steady government, it might turn the chance of war in its favour, and by its superior force and advantages be able to repel the present victors. That the dauphin, even during his greatest distresses, had yet conducted himself with so much prudence as to prevent the English from acquiring one foot of land in the kingdom, and it were better for the king to accept by a peace what he had in vain attempted to acquire by hostilities, which, however hitherto successful, had been extremely expensive, and might prove very dangerous; and that Edward, having acquired so much glory by his arms, the praise of moderation was the only honour to which he could now aspire, an honour so much the greater as it was durable, was united to that of prudence, and might be attended with the most real advantages (Froissard liv. 1., chap. 211).

These reasons induced Edward to accept of more moderate terms of peace; and it is probable that, in order to palliate this change of resolution, he ascribed it to a vow made during a dreadful tempest, which attacked his army on their march, and which ancient historians represent as the cause of this sudden accommodation (Froissard, liv. 1., chap. 211). The conferences between the English and French commissioners were carried on during a few days at Breteuil in the Charentaine, and the peace was (A. D. May 8) at last concluded on the following conditions (Rymer, vol. vi, p. 178, Froissard, liv. 1., chap. 212). It was stipulated that King John should be restored to his liberty, and should pay as his ransom three millions of crowns of gold, about 1,500,000 pounds of our present money,<sup>1</sup> which was to be discharged

<sup>1</sup> This is a prodigious sum, and probably near the half of what the king received from the parliament during the whole course of his reign. It must be remarked, that a tenth and fifteenth (which was always thought a high grant) were, in the eighth year of his reign, fixed at

at different payments, that Edward should for ever renounce all claim to the crown of France, and to the provinces of Normandy, Maine, Touraine, and Anjou, possessed by his ancestors; and should receive in exchange the provinces of Poitou, Xaintonge, l'Aginois, Perigord, the Limousin, Quercy, Roergue, l'Angoumois, and other districts in that quarter, together with Calais, Guisnes, Montreuil, and the county of Ponthieu, on the other side of France; that the full sovereignty of all these provinces, as well as that of Guienne, should be vested in the crown of England, and that France should renounce all title to feudal jurisdiction, homage, or appeal from them, that the King of Navarre should be restored to all his honours and possessions; that Edward should renounce his confederacy with the Flemings, John his connections with the Scots; that the disputes concerning the succession of Brittany, between the families of Blois and Montfort, should be decided by arbiters appointed by the two kings; and if the competitors refused to submit to the award, the dispute should no longer be a ground of war between the kingdoms; and that forty hostages, such as should be agreed on, should be sent to England as a security for the execution of all these conditions<sup>1</sup>.

In consequence of this treaty, the King of France was (July 8) brought over to Calais; whither Edward also soon after repaired; and there both princes solemnly ratified the treaty. John was sent to Boulogne; the king accompanied him a mile on his journey, and the two monarchs parted, with many professions, probably cordial and sincere, of mutual amity (Froissard, liv. 1, chap. 213). The good disposition of John made him fully sensible of the generous treatment which he had received in England, and obliterated all memory of the ascendant gained over him by his rival. There seldom has been a treaty of so great importance so faithfully executed by both parties. Edward had scarcely, from the beginning, entertained any hopes of acquiring the crown of France; by restoring John to his liberty, and making peace at a juncture so favourable to his arms, he had now plainly renounced all pretensions of this nature; he had sold at a very high price that chimerical claim, and had at present no other interest than to retain those acquisitions which he had made with such singular prudence and good fortune. John, on the other hand, though the terms were severe, possessed such fidelity and honour, that he was determined at all hazards to execute them, and to use every expedient for satisfying a monarch who had indeed been his greatest political enemy, but had

about £29 000. There were said to be near 30,000 sacks of wool exported every year. A sack of wool was, at a medium, sold for 5*l*. Upon these suppositions it would be easy to compute all the parliamentary grants, taking the list as they stand in Tyrrel, vol. iii., p. 780. Though somewhat must still be left to conjecture. This king levied more money on his subjects than any of his predecessors, and the parliament frequently complain of the poverty of the people, and the oppressions under which they laboured. But it is to be remarked, that a third of the French king's ransom was yet unpaid when war broke out anew between the two crowns. His son chose rather to employ his money in combating the English, than in enriching them. Rymer, vol. viii., p. 325.

<sup>1</sup> The hostages were the two sons of the French king, John and Lewis; his brother Philip, Duke of Orleans, the Duke of Bourbon, James de Bourbon, Count de Ponthieu, the Counts d'Eu, de Longueville, de St. Pol, de Harcourt de Vendôme, de Couci, de Craon, de Montmorency, and many of the chief nobility of France. The princes were mostly released on the fulfilling of certain articles. Others of the hostages, and the Duke of Berry among the rest, were permitted to return upon their parole, which they did not keep. Rymer, vol. vi., pp. 278, 285, 287.

treated him personally with singular humanity and regard. But notwithstanding his endeavours, there occurred many difficulties in fulfilling his purpose; chiefly from the extreme reluctance which many towns and vassals in the neighbourhood of Guienne expressed against submitting to the English dominion (Froissard, liv. 1., chap. 214); and John, in order to adjust these differences, took (A.D. 1363) a resolution of coming over himself to England. His council endeavoured to dissuade him from this rash design; and probably would have been pleased to see him employ more chicanes for eluding the execution of so disadvantageous a treaty; but John replied to them that, though good faith were banished from the rest of the earth, she ought still to retain her habitation in the breasts of princes. Some historians would detract from the merit of this honourable conduct, by representing John as enamoured of an English lady, to whom he was glad on this pretence to pay a visit; but besides that this surmise is not founded on any good authority, it appears somewhat unlikely on account of the advanced age of that prince, who was now in his fifty-sixth year. He was lodged in the Savoy; the palace where he had resided during his captivity, and where he soon after sickened and (A.D. 1364, April 8) died. Nothing can be a stronger proof of the great dominion of fortune over men, than the calamities which pursued a monarch of such eminent valour, goodness, and honour, and which he incurred merely by reason of some slight imprudences, which, in other situations, would have been of no importance. But though both his reign and that of his father proved extremely unfortunate to their kingdom, the French crown acquired, during their time, very considerable accessions, those of Dauphiny and of Burgundy. This latter province, however, John had the imprudence again to dismember by bestowing it on Philip, his fourth son, the object of his most tender affections (Rymer, vol. vi., p. 421); a deed which was afterwards the source of many calamities to the kingdom.

John was succeeded in the throne by Charles, the dauphin, a prince educated in the school of adversity, and well qualified by his consummate prudence and experience to repair all the losses which the kingdom had sustained from the errors of his two predecessors. Contrary to the practice of all the great princes of those times, which held nothing in estimation but military courage, he seems to have fixed it as a maxim never to appear at the head of his armies; and he was the first king in Europe that showed the advantage of policy, foresight, and judgment, above a rash and precipitate valour. The events of his reign, compared with those of the preceding, are a proof how little reason kingdoms have to value themselves on their victories, or to be humbled by their defeats, which in reality ought to be ascribed chiefly to the good or bad conduct of their rulers, and are of little moment towards determining national characters and manners.

Before Charles could think of counterbalancing so great a power as England, it was necessary for him to remedy the many disorders to which his own kingdom was exposed. He turned his arms against the King of Navarre, the great disturber of France during that age; he defeated this prince by the conduct of Bertand du Guesclin, a gentleman of Brittany, one of the most accomplished characters of the age,

whom he had the discernment to choose as the instrument of all his victories (Froissard, liv. i, chap. 119, 120); and he obliged his enemy to accept of moderate terms of peace. Du Guesclin was less fortunate in the wars of Brittany, which still continued, notwithstanding the mediation of France and England; he was defeated and taken prisoner at Auray by Chandos; Charles of Blois was there slain, and the young Count of Montfort soon after got entire possession of that duchy (Froissard, liv. i, chap. 227, 228, etc; Walsing, p. 180). But the prudence of Charles broke the force of this blow; he submitted to the decision of fortune; he acknowledged the title of Montfort, though a zealous partisan of England; and received the proffered homage for his dominions. But the chief obstacle which the French king met with in the settlement of the state proceeded from obscure enemies, whom their crimes alone rendered eminent, and their number dangerous.

On the conclusion of the treaty of Bietigni, the many military adventurers, who had followed the standard of Edward, being dispersed into the several provinces, and possessed of strongholds, refused to lay down their arms, or relinquish a course of life to which they were now accustomed, and by which alone they could gain a subsistence (Froissard, liv. i, chap. 214). They associated themselves with the banditti, who were already inured to the habits of rapine and violence; and under the name of the 'companies' and 'companions,' became a terror to all the peaceable inhabitants. Some English and Gascon gentlemen of character, particularly Sir Matthew Gournay, Sir Hugh Calverly, the chevalier Verte, and others, were not ashamed to take the command of these ruffians, whose numbers amounted on the whole to near 40,000, and who bore the appearance of regular armies, rather than bands of robbers. These leaders fought pitched battles with the troops of France, and gained victories; in one of which Jaques de Bourbon, a prince of the blood, was slain (*Ibid.*, chap. 214, 215); and they proceeded to such a height, that they wanted little but regular establishments to become princes, and thereby sanctify, by the maxims of the world, their infamous profession. The greater spoil they committed on the country, the more easy they found it to recruit their number; all those who were reduced to misery and despair flocked to their standard; the evil was every day increasing, and, though the Pope declared them excommunicated, these military plunderers, however deeply affected with the sentence, to which they paid a greater regard than to any principles of morality, could not be induced by it to betake themselves to peaceable or lawful professions.

As Charles was not able by power to redress so enormous a grievance, he was (A.D. 1366) led by necessity, and by the turn of his character, to correct it by policy, and to contrive some method of discharging into foreign countries this dangerous and intestine evil.

Peter, King of Castile, stigmatized by his contemporaries and by posterity with the epithet of 'Cruel,' had filled with blood and murder his kingdom and his own family; and having incurred the universal hatred of his subjects, he kept, from present terror alone, an anxious and precarious possession of the throne. His nobles fell every day the victims of his severity; he put to death several of his natural brothers from groundless jealousy; each murder, by multiplying his enemies,

became the occasion of flesh barbarities; and as he was not destitute of talents, his neighbours, no less than his own subjects, were alarmed at the progress of his violence and injustice. The ferocity of his temper, instead of being softened by his strong propensity to love, was rather inflamed by that passion, and took thence new occasion to exert itself. Instigated by Mary de Padilla, who had acquired the ascendant over him, he threw into prison Blanche de Bourbon, his wife, sister to the Queen of France; and soon after made way, by poison, for the espousing of his mistress.

Henry, Count of Transtamare, his natural brother, seeing the fate of every one who had become obnoxious to this tyrant, took arms against him; but being foiled in the attempt, he sought for refuge in France, where he found the minds of men extremely inflamed against Peter, on account of his murder of the French princess. He asked permission of Charles to enlist the 'companies' in his service, and to lead them into Castile; where, from the concurrence of his own friends, and the enemies of his brother, he had the prospect of certain and immediate success. The French King, charmed with the project, employed Du Guesclin in negotiating with the leaders of these banditti. The treaty was soon concluded. The high character of honour which that general possessed made every one trust to his promises, though the intended expedition was kept a secret, the companies implicitly enlisted under his standard, and they required no other condition before their engagement, than an assurance that they were not to be led against the Prince of Wales in Guienne. But that prince was so little averse to the enterprise, that he allowed some gentlemen of his retinue to enter into the service under Du Guesclin.

Du Guesclin having completed his levies, led the army first to Avignon, where the Pope then resided, and demanded, sword in hand, an absolution for his soldiers and the sum of 200,000 livres. The first was readily promised him, some difficulty was made with regard to the second. 'I believe that my fellows,' replied Du Guesclin, 'may make a shift to do without your absolution, but the money is absolutely necessary.' The Pope then extorted from the inhabitants in the city and neighbourhood the sum of a hundred thousand livres, and offered it to Du Guesclin. 'It is not my purpose,' cried that generous warrior, 'to oppress the innocent people. The Pope and his cardinals themselves can spare me that sum from their own coffers. This money, I insist, must be restored to the owners. And should they be defrauded of it, I shall myself return from the other side of the Pyrenees and oblige you to make them restitution.' The Pope found the necessity of submitting, and paid from his treasury the sum demanded (Hist. du Guesclin). The army, hallowed by the blessings and enriched by the spoils of the church, proceeded on their expedition.

These experienced and hardy soldiers, conducted by so able a general, easily prevailed over the King of Castile, whose subjects instead of supporting their oppressor, were ready to join the enemy against him (Froissard, liv i, chap 230). Peter fled from his dominions, took shelter in Guienne, and craved the protection of the Prince of Wales, whom his father had invested with the sovereignty of these conquered provinces by the title of the principality of Aquitaine.

(Rymer, vol vi, p 384; Froissard, liv i., chap. 231) The prince seemed now to have entirely changed his sentiments with regard to the Spanish transaction; whether that he was moved by the generosity of supporting a distressed prince and thought, as is but too usual among sovereigns, that the rights of the people were a matter of much less consideration, or dreaded the acquisition of so powerful a confederate to France as the new King of Castile, or what is most probable, was impatient of rest and ease, and sought only an opportunity for exerting his military talents by which he had already acquired so much renown. He promised his assistance to the dethroned monarch, and having obtained the consent of his father, he (A.D. 1367) levied a great army and set out upon his enterprise. He was accompanied by his younger brother, John of Gaunt, created Duke of Lancaster in the room of the good prince of that name, who had died without any male issue, and whose daughter he had espoused. Chandos also, who bore among the English the same character which Du Guesclin had acquired among the French, commanded under him in this expedition.

The first blow which the Prince of Wales gave to Henry of Trastámara was the recalling of all the 'companics' from his service, and so much reverence did they bear to the name of Edward, that great numbers of them immediately withdrew from Spain and enlisted under his banners. Henry however, beloved by his new subjects, and supported by the King of Aragon and others of his neighbours, was able to meet the enemy with an army of 100,000 men, forces three times more numerous than those which were commanded by Edward. Du Guesclin, and all his experienced officers, advised him to delay any decisive action, to cut off the Prince of Wales's provisions, and to avoid every engagement with a general whose enterprises had hitherto been always conducted with prudence and crowned with success. Henry trusted too much to his numbers, and (April 30) ventured to encounter the English prince at Nájara (Froissard, liv. i., chap. 241). Historians of that age are commonly very copious in describing the shock of armies in battle, the valour of the combatants, the slaughter and various successes of the day; but though small rencounters in those times were often well disputed, military discipline was always too imperfect to preserve order in great armies, and such actions deserve more the name of routs than of battles. Henry was chased off the field, with the loss of above 20,000 men; there perished only four knights and forty private men on the side of the English.

Peter, who so well merited the infamous epithet which he bore, purposed to murder all his prisoners in cold blood, but was restrained from this barbarity by the remonstrances of the Prince of Wales. All Castile now submitted to the victor, Peter was restored to the throne; and Edward finished this perilous enterprise with his usual glory. But he had soon reason to repent his connections with a man like Peter, abandoned to all sense of virtue and honour. The ungrateful tyrant refused the stipulated pay to the English forces; and Edward, finding his soldiers daily perish by sickness, and even his own health impaired by the climate, was obliged without receiving any satisfaction on this head, to return into Guienne.<sup>1</sup>

<sup>1</sup> Froissard, liv. i., chap. 242, 243, Walsingham, p. 182.

The barbarities exercised by Peter over his helpless subjects, whom he now regarded as vanquished rebels, revived all the animosity of the Castilians against him, and on the return of Henry of Transtamare together with Du Guesclin, and some forces levied anew in France, the tyrant was again dethroned and was taken prisoner. His brother, in resentment of his cruelties, murdered him with his own hand, and was placed on the throne of Castile, which he transmitted to his posterity. The Duke of Lancaster, who espoused in second marriage the eldest daughter of Peter, inherited only the empty title of that sovereignty, and by claiming the succession increased the animosity of the new King of Castile against England.

But the prejudice which the affairs of Prince Edward received (A.D. 1368) from this splendid, though imprudent expedition, ended not with it. He had involved himself in so much debt by his preparations and the pay of his troops, that he found it necessary on his return to impose on his principality a new tax, to which some of the nobility consented with extreme reluctance, and to which others absolutely refused to submit<sup>1</sup>. This incident revived the animosity which the inhabitants bore to the English, and which all the amiable qualities of the Prince of Wales were not able to mitigate or assuage. They complained that they were considered as a conquered people, that their privileges were disregarded, that all trust was given to the English alone, that every office of honour and profit was conferred on these foreigners, and that the extreme reluctance which most of them had expressed, to receive the new yoke, was likely to be long remembered against them. They cast, therefore, their eyes towards their ancient sovereign, whose prudence they found had now brought the affairs of his kingdom into excellent order, and the Counts of Armagnac, Comminge, and Perigord, the Lord d'Albret, with other nobles, went to Paris and were encouraged to carry their complaints to Charles, as to their lord paramount, against these oppressions of the English government (Froissard, liv. 1., chap. 244).

In the treaty of Bretigni it had been stipulated that the two kings should make renunciations, Edward of his claim to the crown of France, and to the provinces of Normandy, Maine, and Anjou; John of the homage and fealty due for Guienne and the other provinces ceded to the English. But when that treaty was confirmed and renewed at Calais, it was found necessary, as Edward was not yet in possession of all the territories, that the mutual renunciations should for some time be deferred; and it was agreed that the parties meanwhile should make no use of their respective claims against each other (Rymer, vol. vi., pp. 219, 230, 234, 237, 243). Though the failure in exchanging these renunciations had still proceeded from France,<sup>2</sup> Edward appears to have taken no umbrage at it, both because this clause seemed to give him entire security, and because some reasonable

<sup>1</sup> This tax was a *livre* upon a *heath*, and it was imagined that the imposition would have yielded 1,200,000 *livres* a year, which supposes so many *heaths* in the provinces possessed by the English. But such loose conjectures have commonly no manner of authority, much less in such ignorant times. There is strong instance of it in the present reign. The House of Commons granted the king a tax of twenty-two shillings on each parish, supposing that the amount of the whole would be £50,000. But they were found to be in a mistake of near five to one. Cotton, p. 3. And the council assumed the power of augmenting the tax upon each parish.

<sup>2</sup> Rot. Franc., 35 Ed. III., m. 3, from Tyrrel, vol. iii., p. 643.



apology had probably been made to him for each delay. It was, however, on this pretence, though directly contrary to treaty, that Charles resolved to ground his claim of still considering himself as superior lord of those provinces, and of receiving the appeals of his sub-vassals (Froissard, liv 1., chap 245).

But as views of policy, more than those of justice, enter into the deliberations of princes, and as the mortal injuries received from the English, the pride of their triumphs, the severe terms imposed by the treaty of peace, seemed to render every prudent means of revenge honourable against them; Charles (A.D. 1369) was determined to take this measure, less by the reasonings of his civilians and lawyers than by the present situation of the two monarchies. He considered the declining years of Edward, the languishing state of the Prince of Wales's health, the affection which the inhabitants of all these provinces bore to their ancient master, their distance from England, their vicinity to France, the extreme animosity expressed by his own subjects against these invaders, and their ardent thirst of vengeance; and having silently made all the necessary preparations, he sent to the Prince of Wales a summons to appear in his court at Paris, and there to justify his conduct towards his vassals. The prince replied that he would come to Paris, but it should be at the head of 60,000 men (Ibid., chap 247, 248). The unwarlike character of Charles kept Prince Edward, even yet, from thinking that that monarch was in earnest in this bold and hazardous attempt.

It soon appeared what a poor return the king had received by his distant conquests for all the blood and treasure expended in the quarrel, and how impossible it was to retain acquisitions in an age when no regular force could be maintained sufficient to defend them against the revolt of the inhabitants, especially if that danger was joined with the invasion of a foreign enemy. Charles fell first upon Ponthieu, which gave the English an inlet into the heart of France; the citizens of Abbeville opened their gates to him (Walsingham, p. 183); those of St. Valori, Rue, and Crotoy imitated the example, and the whole country was in a little time reduced to submission. The Dukes of Berri and Anjou, brothers to Charles, being assisted by Du Guesclin, who was recalled from Spain, invaded the southern provinces; and by means of their good conduct, the favourable dispositions of the people, and the ardour of the French nobility, they made every day considerable progress against the English. The state of the Prince of Wales's health did not permit him to mount on horseback, or exert his usual activity; Chandos, the constable of Guienne, was slain in one action,<sup>1</sup> the Captal de Buche, who succeeded him in that office, was taken prisoner in another (Froiss., liv 1, ch 310); and when young Edward himself was obliged by his increasing infirmities to throw up the command and return to his native country, the affairs of the English in the south of France seemed to be menaced with total ruin.

The king, incensed at these injuries, threatened to put to death all the French hostages who remained in his hands, but on reflection abstained from that ungenerous revenge. After resuming, by advice of parliament, the vain title of King of France (Rymer, vol. vi., p. 621;

<sup>1</sup> Froissard, liv 1, chap 277; Walsingham, p. 185.

Cotton's Abridg, p. 108), he endeavoured to send succours into Gascony; but all his attempts, both by sea and land, proved unsuccessful. The Earl of Pembroke was intercepted at sea, and taken prisoner with his whole army near Rochelle by a fleet which the King of Castile had fitted out for that purpose;<sup>1</sup> Edward himself embarked for Bourdeaux with another army, but was so long detained by contrary winds, that he was obliged to lay aside the enterprise.<sup>2</sup> Sir Robert Knolles, at the head of 30,000 men marched out of Calais, and continued his ravages to the gates of Paris, without being able to provoke the enemy to an engagement; he proceeded in his march to the provinces of Maine and Anjou, which he laid waste; but part of his army being there defeated by the conduct of Du Guesclin, who was now created constable of France, and who seems to have been the first consummate general that had yet appeared in Europe, the rest were scattered and dispersed, and the small remains of the English forces, instead of reaching Guienne, took shelter in Brittany, whose sovereign had embraced the alliance of England.<sup>3</sup> The Duke of Lancaster, some time after, made a like attempt with an army of 25,000 men, and marched the whole length of France from Calais to Bourdeaux; but was so much harassed by the flying parties which attended him, that he brought not the half of his army to the place of their destination. Edward from the necessity of his affairs was at last obliged to conclude a truce with the enemy,<sup>4</sup> after almost all his ancient possessions in France had been ravished from him, except Bourdeaux and Bayonne, and all his conquests except Calais.

The decline of the king's life was exposed to many mortifications, and corresponded not to the splendid and noisy scenes which had filled the beginning and the middle of it. Besides seeing the loss of his foreign dominions, and being baffled in every attempt to defend them, he felt the decay of his authority at home, and experienced, from the sharpness of some parliamentary remonstrances, the great inconstancy of the people, and the influence of present fortune over all their judgments (Walsingham, p. 189; Ypod. Neust., p. 530). This prince, who during the vigour of his age had been chiefly occupied in the pursuits of war and ambition, began at an unseasonable period to indulge himself in pleasure, and being now a widower, he attached himself to a lady of sense and spirit, one Alice Pierce, who acquired a great ascendant over him, and by her influence gave such general disgust that, in order to satisfy the parliament, he was obliged to remove her from court. The indolence also, naturally attending old age and infirmities, had made him in a great measure resign the administration into the hands of his son, the Duke of Lancaster, who, as he was far from being popular, weakened extremely the affection which the English bore to the person and government of the king. Men carried their jealousies very far against the duke; and as they saw with much regret the death of the Prince of Wales every day approaching, they apprehended lest the succession of his son Richard, now a minor, should be defeated by the intrigues of Lancaster,

<sup>1</sup> Froissard, liv. 1, chap. 302, 303, 304, Walsingham, p. 186.

<sup>2</sup> Froissard, liv. 1, chap. 311, Walsingham, p. 187.

<sup>3</sup> Froissard, liv. 1, chap. 291, Walsingham, p. 185.

<sup>4</sup> Froissard, liv. 1, chap. 321, Walsingham, p. 187.

and by the weak indulgence of the old king. But Edward, in order to satisfy both the people and the prince on this head, declared in parliament his grandson heir and successor to the crown, and thereby cut off all the hopes of the Duke of Lancaster, if he ever had the temerity to entertain any.

The Prince of Wales, after a lingering illness, died (A.D. June 8, 1376) in the forty-sixth year of his age, and left a character illustrious for every eminent virtue, and from his earliest youth till the hour he expired, unstained by any blemish. His valour and military talents formed the smallest part of his merit; his generosity, humanity, affability, moderation, gained him the affections of all men; and he was qualified to throw a lustre, not only on that rude age in which he lived, and which nowise infected him with its vices, but on the most shining period of ancient or modern history. The king survived about a year this melancholy incident; England was deprived at once of both these princes, its chief ornament and support; he expired (A.D. 1377, June 21) in the sixty-fifth year of his age and the fifty-first of his reign; and the people were then sensible, though too late, of the irreparable loss which they had sustained.

The English are apt to consider with peculiar fondness the history of Edward III., and to esteem his reign, as it was one of the longest, the most glorious also, that occurs in the annals of their nation. The ascendant which they then began to acquire over France, their rival and supposed national enemy, makes them cast their eyes on this period with great complacency, and sanctifies every measure which Edward embraced for that end. But the domestic government of this prince is really more admirable than his foreign victories; and England enjoyed by the prudence and vigour of his administration a longer interval of domestic peace and tranquillity than she had been blest with in any former period, or than she experienced for many ages after. He gained the affections of the great, yet curbed their licentiousness; he made them feel his power, without their daring, or even being inclined to murmur at it, his affable and obliging behaviour, his munificence and generosity, made them submit with pleasure to his dominion, his valour and conduct made them successful in most of their enterprises; and their unquiet spirits, directed against a public enemy, had no leisure to breed those disturbances to which they were naturally so much inclined, and which the frame of the government seemed so much to authorise. This was the chief benefit which resulted from Edward's victories and conquests. His foreign wars were in other respects neither founded in justice, nor directed to any salutary purpose. His attempt against the King of Scotland, a minor and a brother-in-law, and the revival of his grandfather's claim of superiority over that kingdom, were both unreasonable and ungenerous; and he allowed himself to be too easily seduced, by the glaring prospect of French conquests, from the acquisition of a point which was practicable, and which, if attained, might really have been of lasting utility to his country and his successors. The success which he met with in France, though chiefly owing to his eminent talents, was unexpected; and yet from the very nature of things, not from any unforeseen accidents, was found even during his lifetime to have

procured him no solid advantages. But the glory of a conqueror is so dazzling to the vulgar, the animosity of nations is so violent, that the fruitless desolation of so fine a part of Europe as France is totally disregarded by us, and is never considered as a blemish in the character or conduct of this prince. And indeed, from the unfortunate state of human nature, it will commonly happen that a sovereign of genius, such as Edward, who usually finds everything easy in his domestic government, will turn himself towards military enterprises, where alone he meets with opposition, and where he has full exercise for his industry and capacity.

Edward had a numerous posterity by his queen, Philippa of Hainault. His eldest son was the heroic Edward, usually denominated the Black Prince, from the colour of his armour. This prince espoused his cousin Joan, commonly called the 'Fair Maid of Kent,' daughter and heir of his uncle, the Earl of Kent, who was beheaded in the beginning of this reign. She was first married to Sir Thomas Holland, by whom she had children. By the Prince of Wales she had a son, Richard, who alone survived his father.

The second son of King Edward (for we pass over such as died in their childhood) was Lionel, Duke of Clarence, who was first married to Elizabeth de Burgh, daughter and heir of the Earl of Ulster, by whom he left only one daughter, married to Edmund Mortimer, Earl of Marche. Lionel espoused in second marriage, Violante, the daughter of the Duke of Milan (Rymer, vol. vi., p. 564), and died in Italy soon after the consummation of his nuptials, without leaving any posterity by that princess. Of all the family, he resembled most his father and elder brother in his noble qualities.

Edward's third son was John of Gaunt, so called from the place of his birth; he was created Duke of Lancaster, and from him sprang that branch which afterwards possessed the crown. The fourth son of this royal family was Edmund, created Earl of Cambridge by his father, and Duke of York by his nephew. The fifth son was Thomas, who received the title of Earl of Buckingham from his father, and that of Duke of Gloucester from his nephew. In order to prevent confusion, we shall always distinguish these two princes by the titles of York and Gloucester, even before they were advanced to them.

There were also several princesses born to Edward by Philippa; to wit, Isabella, Joan, Mary, and Margaret, who espoused in the order of their names, Ingelram de Coucy, Earl of Bedford, Alphonso, King of Castile, John of Montfort, Duke of Brittany, and John Hastings, Earl of Pembroke. The princess Joan died at Boudeaux before the consummation of her marriage.

It is remarked by an elegant historian (Robertson's Hist. of Scotland, bk. 1.), that conquerors, though usually the bane of human kind, proved often, in those feudal times, the most indulgent of sovereigns; they stood most in need of supplies from their people; and, not being able to compel them by force to submit to the necessary impositions, they were obliged to make them some compensation by equitable laws and popular concessions. This remark is, in some measure, though imperfectly, justified by the conduct of Edward III. He took no steps of moment without consulting his parliament and obtaining their ap-

probation, which he afterwards pleaded as a reason for their supporting his measures (Cotton's Abridg, pp. 108, 120). The parliament, therefore, rose into greater consideration during his reign, and acquired more regular authority than in any former time, and even the house of commons, which, during turbulent and factious periods, was naturally depressed by the greater power of the crown and barons, began to appear of some weight in the constitution. In the later years of Edward, the king's ministers were impeached in parliament, particularly Lord Latimer, who fell a sacrifice to the authority of the commons (Ibid, p 122); and they even obliged the king to banish his mistress by their remonstrances. Some attention was also paid to the election of their members; and lawyers, in particular, who were at that time men of a character somewhat inferior, were totally excluded the house during several parliaments (Ibid., p 18)

One of the most popular laws enacted by any prince was the statute which passed in the twenty-fifth of this reign (chap 2), and which limited the cases of high treason, before vague and uncertain, to three principal heads, conspiring the death of the king, levying war against him, and adhering to his enemies, and the judges were prohibited, if any other cases should occur, from inflicting the penalty of treason without an application to parliament. The bounds of treason were indeed so much limited by this statute, which still remains in force without any alteration, that the lawyers were obliged to enlarge them, and to explain a conspiracy for levying war against the king to be equivalent to a conspiracy against his life, and this interpretation, seemingly forced, has, from the necessity of the case, been tacitly acquiesced in. It was also ordained, that a parliament should be held once a year, or oftener, if need be a law which, like many others, was never observed, and lost its authority by disuse (4 Ed. III, ch. 14).

Edward granted above twenty parliamentary confirmations of the Great Charter; and these concessions are commonly appealed to as proofs of his great indulgence to the people, and his tender regard for their liberties; but the contrary presumption is more natural. If the maxims of Edward's reign had not been, in general, somewhat arbitrary, and if the Great Charter had not been frequently violated, the parliament would never have applied for these frequent confirmations, which could add no force to a deed regularly observed, and which could serve to no other purpose than to prevent the contrary precedents from turning into a rule and acquiring authority. It was indeed the effect of the irregular government during those ages, that a statute which had been enacted some years, instead of acquiring, was imagined to lose force by time, and needed to be often renewed by recent statutes of the same sense and tenor. Hence, likewise, that general clause so frequent in old acts of parliament, that the statutes enacted by the king's progenitors should be observed,<sup>1</sup> a precaution which, if we do not consider the circumstances of the times, might appear absurd and ridiculous. The frequent confirmations, in general terms, of the privileges of the Church, proceeded from the same cause.

It is a clause in one of Edward's statutes, 'that no man, of what estate or condition soever, shall be put out of land or tenement, nor

<sup>1</sup> 36 Edw. III, cap 1, 37 Edw. III, cap 1, etc.

'taken nor imprisoned, nor disherited, nor put to death, without being 'brought in answer by due process of the law' (28 Edw. III., cap. 3). This privilege was sufficiently secured by a clause of the Great Charter, which had received a general confirmation in the first chapter of the same statute. Why then is the clause so anxiously, and, as we may think, so superfluously repeated? Plainly, because there had been late infringements of it, which gave umbrage to the commons.<sup>1</sup>

But there is no article in which the laws are more frequently repeated during this reign, almost in the same terms, than that of purveyance, which the parliament always calls an outrageous and intolerable grievance, and the source of infinite damage to the people (36 Edw. III., etc.). The parliament tried to abolish this prerogative altogether, by prohibiting any one from taking goods without the consent of the owners (14 Edw. III., cap. 19), and by changing the heinous name of purveyors, as they term it, into that of buyers (36 Edw. III., cap. 2); but the arbitrary conduct of Edward still brought back the grievance upon them; though contrary both to the Great Charter, and to many statutes. This disorder was in a great measure derived from the state of the public finances and of the kingdom, and could therefore the less admit of remedy. The prince frequently wanted ready money; yet his family must be subsisted, he was therefore obliged to employ force and violence for that purpose, and to give tallies, at what rate he pleased, to the owners of the goods which he laid hold of. The kingdom also abounded so little in commodities, and the interior communication was so imperfect, that, had the owners been strictly protected by law, they could easily have exacted any price from the king; especially in his frequent progresses, when he came to distant and poor places, where the court did not usually reside, and where a regular plan for supplying it could not easily be established. Not only the king, but several great lords, insisted upon this right of purveyance within certain districts (7 Rich. II., cap. 8).

The magnificent castle of Windsor was built by Edward III., and his method of conducting the work may serve as a specimen of the condition of the people in that age. Instead of engaging workmen by contracts and wages, he assessed every county in England to send him a certain number of masons, tilers, and carpenters, as if he had been levying an army (Ashmole's Hist. of the Garter, p. 129).

They mistake, indeed, very much the genius of this reign, who imagine that it was not extremely arbitrary. All the high prerogatives of the crown were to the full exerted in it, but what gave some consolation, and promised in time some relief to the people, they were always complained of by the commons. such as the dispensing power (Cotton's Abridg., p. 148); the extension of the forests (Ibid., p. 71); erecting monopolies (Ibid., pp. 56, 61, 122); exacting loans (Eymer, vol. v, pp. 491, 574, Cotton's Abridg., p. 56); stopping justice by particular warrants (Cotton, p. 114), the renewal of the commission of trailbaton (Ibid., p. 67); pressing men and ships into the public service (Ibid., p. 47, 79, 113); levying arbitrary and exorbitant fines (Ibid., p. 32), extending the authority of the privy council

<sup>1</sup> They assert in the 15th of this reign, that there had been such instances. Cotton's Abridg., p. 37. They repeat the same in the 21st year. See p. 59

or star-chamber to the decision of private causes (Cotton's Abridg, p. 74); enlarging the power of the mareschal's and other arbitrary courts (Ibid); imprisoning members for freedom of speech in parliament (Walsing., pp 189, 190), obliging people, without any rule, to send recruits of men at arms, archers, and hoblers, to the army (Tyrrel's Hist, vol viii., p 554, from the records).

But there was no act of arbitrary power more frequently repeated in this reign than that of imposing taxes without consent of parliament. Though that assembly granted the king greater supplies than had ever been obtained by any of his predecessors, his great undertakings, and the necessity of his affairs, obliged him to levy still more, and after his splendid success against France had added weight to his authority, these arbitrary impositions became almost annual and perpetual. Cotton's Abridgement of the records affords numerous instances of this kind in the first (Rymer, vol iv, p 363) year of his reign, in the thirteenth year (pp 17, 18), in the fourteenth (Rymer, vol iv, p. 39), in the twentieth (p 47), in the twenty-first (pp 52, 53, 57, 58), in the twenty-second (p 69), in the twenty-fifth (p 76), in the thirty-eighth (p. 101), in the fiftieth (p 138), and in the fifty-first (p 152).

The king openly avowed and maintained this power of levying taxes at pleasure. At one time he replied to the remonstrance made by the commons against it, that the impositions had been exacted from great necessity, and had been assented to by the prelates, earls, barons, and some of the commons,<sup>1</sup> at another, that he would advise with his council (Cotton, p. 57). When the parliament desired that a law might be enacted for the punishment of such as levied these arbitrary impositions, he refused compliance (Ibid, p 138). In the subsequent year, they desired that the king might renounce this pretended prerogative; but his answer was, that he would levy no taxes without necessity, for the defence of the realm, and where he reasonably might use that authority (Ibid, p 132). This incident passed a few days before his death, and these were, in a manner, his last words to his people. It would seem that the famous charter or statute of Edward I., 'de tallagio non concedendo,' though never repealed, was supposed to have already lost, by age, all its authority.

These facts can only show the 'practice' of the times, for as to the 'right,' the continual remonstrances of the commons may seem to prove that it rather lay on their side, at least, these remonstrances served to prevent the arbitrary practices of the court from becoming an established part of the constitution. In so much a better condition were the privileges of the people, even during the arbitrary reign of Edward III. than during some subsequent ones, particularly those of the Tudors, where no tyranny or abuse of power ever met with any check or opposition, or so much as a remonstrance, from parliament.

In this reign we find, according to the sentiments of an ingenious and learned author, the first strongly marked, and probably contested, distinction between a proclamation by the king and his privy council, and a law which had received the assent of the lords and commons (Observ on the Statutes, p 193)

<sup>1</sup> Cotton, p 53. He repeats the same answer in p 60. Some of the commons were such as he should be pleased to consult with.

It is easy to imagine that a prince of so much sense and spirit as Edward would be no slave to the court of Rome. Though the old tribute was paid during some years of his minority (Rymer, vol. iv., p. 434), he afterwards withheld it, and when the Pope, in 1367, threatened to cite him to the court of Rome for default of payment, he laid the matter before his parliament. That assembly unanimously declared that King John could not, without a national consent, subject his kingdom to a foreign power; and that they were therefore determined to support their sovereign against this unjust pretension (Cotton's *Abridgment*, p. 110).

During this reign, the statute of provisors was enacted, rendering it penal to procure any presentations to benefices from the court of Rome, and securing the rights of all patrons and electors, which had been extremely encroached on by the Pope (25 Ed III.; 27 Ed III.). By a subsequent statute, every person was outlawed who carried any cause by appeal to the court of Rome (27 Ed III., 38 Ed III.).

The laity, at this time, seem to have been extremely prejudiced against the papal power, and even somewhat against their own clergy, because of their connections with the Roman pontiff. The parliament pretended that the usurpations of the Pope were the cause of all the plagues, injuries, famine, and poverty of the realm, were more destructive to it than all the wars, and were the reason why it contained not a third of the inhabitants and commodities which it formerly possessed; that the taxes levied by him exceeded five times those which were paid to the king, that everything was venal in that sinful city of Rome, and that even the patrons in England had thence learned to practise simony without shame or remorse (Cotton, pp. 74, 128, 129). At another time, they petition the king to employ no churchman in any office of state (*Ibid.*, p. 112); and they even speak in plain terms, of expelling by force the papal authority, and thereby providing a remedy against oppressions which they neither could nor would any longer endure (Cotton, p. 41). Men who talked in this strain were not far from the reformation; but Edward did not think proper to second all this zeal; though he passed the statute of provisors, he took little care of its execution; and the parliament made frequent complaints of his negligence on this head (*Ibid.*, pp. 119, 128, 129, 130, 148). He was content with having reduced such of the Romish ecclesiastics as possessed revenues in England, to depend entirely upon him by means of that statute.

As to the police of the kingdom during this period, it was certainly better than during times of faction, civil war, and disorder, to which England was so often exposed; yet were there several vices in the constitution, the bad consequences of which all the power and vigilance of the king could not prevent. The barons, by their confederacies with those of their own order, and by supporting and defending their retainers in every iniquity,<sup>1</sup> were the chief abettors of robbers, murderers, and ruffians of all kinds, and no law could be executed against those criminals. The nobility were brought to give their promise in parliament, that they would not avow, retain, or support, any felon or breaker of the law (Cotton, p. 10); yet this engagement, which we may

<sup>1</sup> 11 Edw. III., cap. 14, 4 Edw. III., cap. 2, 15 Edw. III., cap. 4.



wonder to see exacted from men of their rank, was never regarded by them. The commons make continual complaints of the multitude of robberies, murders, rapes, and other disorders, which, they say, were become numberless in every part of the kingdom, and which they always ascribe to the protection that the criminals received from the great (Ibid, pp. 51, 62, 64, 70, 160). The King of Cyprus, who paid a visit to England in this reign, was robbed and stripped on the highway, with his whole retinue (Walsing, p. 170). Edward himself contributed to this dissolution of law, by his facility in granting pardons to felons from the solicitation of the courtiers. Laws were made to retrench this prerogative (10 Edw. III, cap. 2; 27 Edw. III, cap. 2); and remonstrances of the commons were presented against the abuse of it (Cotton, p. 75), but to no purpose. The gratifying of a powerful nobleman continued still to be of more importance than the protection of the people. The king granted many franchises, which interrupted the course of justice, and the execution of the laws (Ibid, p. 54).

Commerce and industry were certainly at a very low ebb during this period. The bad police of the country alone affords a sufficient reason. The only exports were wool, skins, hides, leather, butter, tin, lead, and such unmanufactured goods, of which wool was by far the most considerable. Knyghton has asserted, that 100,000 sacks of wool were annually exported, and sold at 20*l.* a sack, money of that age. But he is widely mistaken, both in the quantity exported and in the value. In 1349, the parliament remonstrated that the king, by an illegal imposition of forty shillings on each sack exported, had levied 60,000 pounds a year (Cotton, pp. 48, 69); which reduces the annual exports to 30,000 sacks. A sack contained 26 stone, and each stone 14 pounds (34 Edw. III, cap. 5), and at a medium was not valued at above 5*l.* a sack (Cotton, p. 29), that is, 14 or 15*l.* of our present money. Knyghton's computation raises it to 60*l.*, which is near four times the present price of wool in England. According to this reduced computation, the export of wool brought into the kingdom about 450,000*l.* of our present money, instead of 6,000,000*l.*, which is an extravagant sum. Even the former sum is so high, as to afford a suspicion of some mistake in the computation of the parliament with regard to the number of sacks exported. Such mistakes were very usual in those ages.

Edward endeavoured to introduce and promote the woollen manufacture, by giving protection and encouragement to foreign weavers,<sup>1</sup> and by enacting a law which prohibited every one from wearing any cloth but of English fabric (11 Edw. III, cap. 2). The parliament prohibited the exportation of woollen goods, which was not so well judged, especially while the exportation of unwrought wool was so much allowed and encouraged. A like injudicious law was made against the exportation of manufactured iron (28 Ed. III, cap. 5).

It appears from a record in the Exchequer, that in 1354 the exports of England amounted to 294,184*l.* 17*s.* 2*d.*; the imports to 38,970*l.* 3*s.* 6*d.* money of that time. This is a great balance, considering that it arose wholly from the exportation of raw wool and other rough materials. The import was chiefly linen and fine cloth, and some

<sup>1</sup> 11 Edw. III, cap. 5, Rymer, vol. iv, p. 723, Murimuth, p. 88

### 534 *Toll for Road repair first imposed under Edward III.*

wine. England seems to have been extremely drained at this time by Edward's foreign expeditions and foreign subsidies, which probably was the reason why the exports so much exceed the imports.

The first toll we read of in England for mending the highways was imposed in this reign; it was that for repairing the road between St. Giles's and Temple Bar (Rymer, vol. v., p. 520).

In the first of Richard II., the parliament complain extremely of the decay of the shipping during the preceding reign, and assert that one seaport formerly contained more vessels than were then to be found in the whole kingdom. This calamity they ascribe to the arbitrary seizure of ships by Edward for the service of his frequent expeditions. (Cotton, pp. 155, 164). The parliament, in the fifth of Richard, renew the same complaint (cap. 3); and we likewise find it made in the forty-sixth of Edward III. So false is the common opinion that this reign was favourable to commerce.

There is an order of this king, directed to the mayor and sheriffs of London, to take up all ships of forty tons and upwards, to be converted into ships of war (Rymer, vol. iv., p. 664).

The parliament attempted the impracticable scheme of reducing the price of labour after the pestilence, and also that of poultry (37 Edw. III., cap. 3). A reaper in the first week of August was not allowed above twopence a day, or near sixpence of our present money, in the second week a third more. A master carpenter was limited through the whole year to threepence a day, a common carpenter to twopence, money of that age (25 Edw. III., cap. 1, 3). It is remarkable that in the same reign, the pay of a common soldier, an archer, was sixpence a day; which by the change both in denomination and value, would be equivalent to near five shillings of our present money.<sup>1</sup> Soldiers were then enlisted only for a very short time; they lived idle all the rest of the year, and commonly all the rest of their lives; one successful campaign, by pay and plunder, and the ransom of prisoners, was supposed to be a small fortune to a man, which was a great allurement to enter into the service.<sup>2</sup>

The staple of wool, wool-fells, leather, and lead, was fixed by act of parliament in particular towns of England (27 Edw. III.). Afterwards it was removed by law to Calais; but Edward, who commonly deemed his prerogative above law, paid little regard to these statutes; and when the parliament remonstrated with him on account of those acts of power, he plainly told them that he would proceed in that matter as he thought proper (Cotton, p. 117). It is not easy to assign the reason of this great anxiety for fixing a staple, unless perhaps it invited foreigners to a market, when they knew beforehand that they should

<sup>1</sup> Dugdale's Baron, vol. i, p. 784. Brady's Hist, vol. ii, App, No 92. The pay of a man at arms was quadruple. We may therefore conclude, that the numerous armies, mentioned by historians in those times, consisted chiefly of ragamuffins, who followed the camp, and lived by plunder. Edward's army before Calais consisted of 31,094 men, yet its pay for sixteen months was only 127,201*l*. Brady, *ibid*.

<sup>2</sup> Commodities seem to have risen since the Conquest. Instead of being ten times cheaper than at present, they were, in the age of Edw. III., only three or four times. This change seems to have taken place in a great measure since Edw. I. The allowance granted by Edw. III. to the Earl of Murray, then a prisoner in Nottingham castle, is one pound a week, whereas the Bishop of St. Andrews, the primate of Scotland, had only sixpence a day allowed him by Edw. I.

there meet with great choice of any particular species of commodity. This policy of inviting foreigners to Calais was carried so far, that all English merchants were prohibited by law from exporting any English goods from the staple, which was in a manner the total abandoning of all foreign navigation except that to Calais (27 Edward III., cap. 7). A contrivance seemingly extraordinary.

It was not till the middle of this century that the English began to extend their navigation even to the Baltic (Anderson, vol. 1., p. 151); nor till the middle of the subsequent, that they sailed to the Mediterranean, (*Ibid.*, p. 177).

Luxury was complained of in that age, as well as in others of more refinement, and attempts were made by parliament to restrain it, particularly on the head of apparel, where surely it is the most obviously innocent and inoffensive. No man under a hundred a year was allowed to wear gold, silver, or silk in his clothes, servants also were prohibited from eating fresh meat or fish, above once a day (37 Edw. III., cap. 8, 9, 10, etc.) By another law it was ordained that no one should be allowed, either for dinner or supper, above three dishes in each course, and not above two courses, and it is likewise expressly declared, that soured meat is to count as one of these dishes (10 Edw. III.) It was easy to foresee that such ridiculous laws must prove ineffectual, and could never be executed.

The use of the French language in pleadings and public deeds was abolished (36 Edw. III., cap. 15). It may appear strange that the nation should so long have worn this badge of conquest, but the king and nobility seem never to have become thoroughly English, or to have forgotten their French extraction, till Edward's wars with France gave them an antipathy to that nation. Yet still it was long before the use of the English tongue came into fashion. The first English paper which we meet with in Rymer is in the year 1386, during the reign of Richard II.<sup>1</sup> There are Spanish papers in that collection of more ancient date (Rymer, vol. vi, p. 554), and the use of the Latin and French still continued.

We may judge of the ignorance of this age in geography from a story told by Robert of Avesbury. Pope Clement VI. having, in 1344, created Lewis of Spain prince of 'the fortunate islands,' meaning the Canaries, then newly discovered, the English ambassador at Rome and his retinue were seized with alarm that Lewis had been created King of England, and they immediately hurried home in order to convey this important intelligence. Yet such was the ardour for study at this time, that Speed, in his Chronicle, informs us that there were then 30,000 students in the University of Oxford alone. What was the occupation of all these young men? To learn very bad Latin, and still worse logic.

In 1364, the commons petitioned that, in consideration of the preceding pestilence, such persons as possessed manors holding of the king in chief, and had let different leases without obtaining licences, might continue to exercise the same power till the country were become more populous (Cotton, p. 97). The commons were sensible that this

<sup>1</sup> Rymer, vol. vii, p. 526. This paper, by the style, seems to have been drawn by the Scots and was signed by the wardens of the marches only.

security of possession was a good means for rendering the kingdom prosperous and flourishing, yet durst not apply all at once for a greater relaxation of their chains.

There is not a reign among those of the ancient English monarchs which deserves more to be studied than that of Edward III., nor one where the domestic transactions will better discover the true genius of that kind of mixed government which was then established in England. The struggles, with regard to the validity and authority of the Great Charter, were now over; the king was acknowledged to lie under some limitations; Edward himself was a prince of great capacity, not governed by favourites, not led astray by any unruly passion; sensible that nothing could be more essential to his interests than to keep on good terms with his people; yet, on the whole, it appears that the government, at best, was only a barbarous monarchy, not regulated by any fixed maxims, or bounded by any certain undisputed rights, which in practice were regularly observed. The king conducted himself by one set of principles, the barons by another, the commons by a third, the clergy by a fourth. All these systems of government were opposite and incompatible; each of them prevailed in its turn, as incidents were favourable to it; a great prince rendered the monarchical power predominant, the weakness of a king gave reins to the aristocracy; a superstitious age saw the clergy triumphant; the people, for whom chiefly government was instituted, and who chiefly deserve consideration, were the weakest of the whole. But the commons, little obnoxious to any other order, though they sunk under the violence of the tempests, silently reared their head in more peaceable times, and while the storm was brewing were courted by all sides, and thus received still some accession to their privileges, or, at worst, some confirmation of them.

It has been an established opinion that gold coin was not struck till this reign; but there has lately been found proof that it is as ancient as Henry III. (*Obscr. on ancient Statutes*, p. 375, 2nd edit.).

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## CHAPTER XVII.

### RICHARD II.

*Government during the minority—Insurrection of the common people.—Discontents of the barons—Civil commotions.—Expulsion or execution of the king's ministers—Cabals of the Duke of Gloucester.—Banishment of Henry, Duke of Hereford—Return of Henry—General insurrection.—Deposition of the king—His murder.—His character.—Miscellaneous transactions during this reign.*

THE parliament, which was summoned (A D 1377) soon after the king's accession, was both elected and assembled in tranquillity; and the great change, from a sovereign of consummate wisdom and experience to a boy of eleven years of age, was not immediately felt by the people. The habits of order and obedience which the barons had been taught

during the long reign of Edward, still influenced them, and the authority of the king's three uncles, the Dukes of Lancaster, York, and Gloucester, sufficed to repress for a time the turbulent spirit to which that order, in a weak reign, was so often subject. The dangerous ambition too of these princes themselves was checked by the plain and undeniable title of Richard, by the declaration of it made in parliament, and by the affectionate regard which the people bore to the memory of his father, and which was naturally transferred to the young sovereign upon the throne. The different characters also of these three princes rendered them a counterpoise to each other, and it was natural to expect that any dangerous designs which might be formed by one brother would meet with opposition from the others. Lancaster, whose age and experience, and authority under the king, gave him the ascendant among them, though his integrity seemed not proof against great temptations, was neither of an enterprising spirit, nor of a popular and engaging temper. York was indolent, inactive, and of slender capacity. Gloucester was turbulent, bold, and popular, but being the youngest of the family, was restrained by the power and authority of his elder brothers. There appeared, therefore, no circumstance in the domestic situation of England which might endanger the public peace, or should give any immediate apprehensions to the lovers of their country.

But as Edward, though he had fixed the succession to the crown, had taken no care to establish a plan of government during the minority of his grandson, it behoved the parliament to supply this defect, and the house of commons distinguished themselves by taking the lead on this occasion. This house, which had been rising to consideration during the whole course of the late reign, naturally received an accession of power during the minority, and as it was now becoming a scene of business, the members chose for the first time a speaker, who might preserve order in their debates, and maintain those forms which are requisite in all numerous assemblies. Peter de la Mare was the man pitched on, the same person that had been imprisoned, and detained in custody by the late king, for his freedom of speech in attacking the mistress and the ministers of that prince. But though this election discovered a spirit of liberty in the commons, and was followed by further attacks both on these ministers and on Alice Pierce (Walsing, p. 150), they were still too sensible of their great inferiority, to assume at first any immediate share in the administration of government, or the care of the king's person. They were content to apply by petition to the lords for that purpose, and desire them, both to appoint a council of nine, who might direct the public business, and to choose men of virtuous life and conversation, who might inspect the conduct and education of the young prince. The lords complied with the first part of this request, and elected the Bishops of London, Carlisle, and Salisbury, the Earls of Marche and Stafford, Sir Richard de Stafford, Sir Henry le Scrope, Sir John Devereux, and Sir Hugh Segrave, to whom they gave authority for a year, to conduct the ordinary course of business (Rymer, vol. vii., p. 161). But as to the regulation of the king's household, they declined interposing in an office which, they said, both was invidious in itself, and might prove disagreeable to his majesty.

### 538 *Character of Parliaments called during the Minority.*

The commons, as they acquired more courage, ventured to proceed a step further in their applications. They presented a petition, in which they prayed the king to check the prevailing custom among the barons, of forming illegal confederacies and supporting each other, as well as men of inferior rank, in the violations of law and justice. They received from the throne a general and an obliging answer to this petition; but another part of their application, that all the great officers should, during the king's minority, be appointed by parliament, which seemed to require the concurrence of the commons, as well as that of the upper house, in the nomination, was not complied with; the lords alone assumed the power of appointing these officers; the commons tactitly acquiesced in the choice, and thought that, for the present, they themselves had proceeded a sufficient length, if they but advanced their pretensions, though rejected, of interposing in these more important matters of state.

On this foot then the government stood. The administration was conducted entirely in the king's name; no regency was expressly appointed; the nine counsellors and the great officers, named by the peers, did their duty, each in his respective department; and the whole system was for some years kept together by the secret authority of the king's uncle, especially of the Duke of Lancaster, who was in reality the regent.

The parliament was dissolved, after the commons had represented the necessity of their being re-assembled once in every year, as appointed by law; and after having elected two citizens as their treasurers, to receive and disburse the produce of two fifteenths and tenths, which they had voted to the crown. In the other parliaments called during the minority, the commons discover a strong spirit of freedom, and a sense of their own authority, which, without breeding any disturbance, tended to secure their independence, and that of the people.<sup>1</sup>

Edward had left his grandson involved in many dangerous wars. The pretensions of the Duke of Lancaster to the crown of Castile made that kingdom still persevere in hostilities against England. Scotland, whose throne was now filled by Robert Stuart, nephew to David Bruce, and the first prince of that family, maintained such close connections with France, that war with one crown almost inevitably produced hostilities with the other. The French monarch, whose prudent conduct had acquired the surname of 'wise,' as he had already baffled all the experience and valour of the two Edwards,

<sup>1</sup> In the fifth year of the king, 'the commons complained of the government about the king's person, his court, the excessive number of his servants, of the abuses in the Chancery, King's Bench, Common Pleas, Exchequer, and of grievous oppressions in the country, by the great multitudes of maintainers of quarrels (men linked in confederacies together), who behaved themselves like kings in the country, so as there was very little law or right, and of other things, which, they said, were the cause of the late commotions under Wat Tyler.' *Parl. Hist.*, vol. i., p. 365. This irregular government, which no king and no house of commons had been able to remedy, was the source of the licentiousness of the great, and turbulency of the people, as well as tyranny of the princes. If subjects would enjoy liberty, and kings security, the laws must be executed.

In the ninth of this reign, the commons also discovered an accuracy and a jealousy of liberty which we should little expect in those rude times. 'It was agreed by parliament,' says Cotton, p. 309, 'that the subsidy of wools, wool fells, and skins, granted to the king until the time of Midsummer then ensuing, should cease from the same time until the feast of St. Peter *ad vincula*, for that thereby the king should be interrupted for claiming such grant as due.' See also Cotton, p. 198.

was likely to prove a dangerous enemy to a minor king: but his genius, which was not naturally enterprising, led him not, at present, to give any disturbance to his neighbours; and he laboured besides under many difficulties at home, which it was necessary for him to surmount before he could think of making conquests in a foreign country. England was master of Calais, Bourdeaux, and Bayonne; had lately acquired possession of Cherbourg from the cession of the King of Navarre, and of Brest from that of the Duke of Brittany (Rymer, vol. vii, p. 190); and having thus an easy entrance into France from every quarter, was able, even in its present situation, to give disturbance to his government. Before Charles could remove the English from these important posts of France, he died in the flower of his age, and left the kingdom to a minor son, who bore the name of Charles VI.

Meanwhile the war with France was (A.D. 1378) carried on in a manner somewhat languid, and produced no enterprise of great lustre or renown. Sir Hugh Calvery, Governor of Calais, making an incursion into Picardy with a detachment of the garrison, set fire to Boulogne (Walsing, p. 209). The Duke of Lancaster conducted an army into Brittany, but returned without being able to perform anything memorable. In a subsequent year (A.D. 1380), the Duke of Gloucester marched out of Calais with a body of 2000 cavalry, and 8000 infantry, and scrupled not with his small army to enter into the heart of France, and to continue his ravages through Picardy, Champagne, the Brie, the Beausse, the Gatinois, the Oileanois, till he reached his allies in the province of Brittany.<sup>1</sup> The Duke of Burgundy, at the head of a more considerable army, came within sight of him, but the French were so overawed by the former successes of the English, that no superiority of numbers could tempt them to venture a pitched battle with the troops of that nation. As the Duke of Brittany, soon after the arrival of these succours, formed an accommodation with the court of France, this enterprise also proved in the issue unsuccessful, and made no durable impression upon the enemy.

The expenses of these armaments, and the usual want of economy attending a minority, much exhausted the English treasury, and obliged the parliament, besides making some alterations in the council, to impose a new and unusual tax of three groats on every person, male and female, above sixteen years of age; and they ordained that, in levying that tax, the opulent should relieve the poor by an equitable compensation. This imposition produced a mutiny, which was singular in its circumstances. All history abounds with examples where the great tyrannize over the meaner sort; but here the lowest populace rose against their rulers, committed the most cruel ravages upon them, and took vengeance for all former oppressions.

The faint dawn of the arts and of good government in that age had (A.D. 1381) excited the minds of the populace, in different states of Europe, to wish for a better condition, and to murmur against those chains which the laws enacted by the haughty nobility and gentry had so long imposed upon them. The commotions of the people in Flanders, the mutiny of the peasants of France, were the natural

<sup>1</sup> Froissard, liv. 11, chap. 50, 51. Walsing, p. 239.

effects of this growing spirit of independence; and the report of these events being brought into England, where personal slavery, as we learn from Froissard (liv. ii., chap. 74), was more general than in any other country in Europe, had prepared the minds of the multitude for an insurrection. One John Bull also, a seditious preacher, who affected low popularity, went about the country, and inculcated on his audience the principles of the first origin of mankind from one common stock, their equal right to liberty and to all the goods of nature, the tyranny of artificial distinctions, and the abuses which had arisen from the degradation of the more considerable part of the species, and the aggrandizement of a few insolent rulers<sup>1</sup>. These doctrines, so agreeable to the populace, and so conformable to the ideas of primitive equality engraven in the hearts of all men, were greedily received by the multitude, and scattered the sparks of that sedition, which the present tax raised into a conflagration.<sup>2</sup>

The imposition of three groats a head had been farmed out to tax-gatherers in each county, who levied the money on the people with rigour; and the clause of making the rich ease their poorer neighbours of some share of the burden being so vague and undeterminate, had doubtless occasioned many partialities, and made the people more sensible of the unequal lot which fortune had assigned them in the distribution of her favours. The first disorder was raised by a blacksmith in a village of Essex. The tax-gatherers came to this man's shop while he was at work, and they demanded payment for his daughter whom he asserted to be below the age assigned by the statute. One of these fellows offered to produce a very indecent proof to the contrary, and at the same time laid hold of the maid, which the father resenting immediately knocked out the ruffian's brains with his hammer. The bystanders applauded the action, and exclaimed that it was full time for the people to take vengeance on their tyrants, and to vindicate their native liberty. They immediately flew to arms. The whole neighbourhood joined in the sedition; the flame spread in an instant over the county, it soon propagated itself into that of Kent, of Hertford, Surrey, Sussex, Suffolk, Norfolk, Cambridge, and Lincoln. Before the government had the least warning of the danger, the disorder had grown beyond control or opposition, the populace had shaken off all regard to their former masters, and being headed by the most audacious and criminal of their associates, who assumed the feigned names of Wat Tyler, Jack Straw, Hob Carter, and Tom Miller, by which they were fond of denoting their mean origin, they committed everywhere the most outrageous violence on such of the gentry or nobility as had the misfortune to fall into their hands.

The mutinous populace, amounting to 100,000 men, assembled (June 12) on Blackheath under their leaders, Tyler and Straw, and as the Princess of Wales, the king's mother, returning from a pilgrimage to Canterbury, passed through the midst of them, they insulted her attendants; and some of the most insolent among them, to show their purpose of level-

<sup>1</sup> Froissard, liv. ii., chap. 74. Walsingham, p. 275.

<sup>2</sup> There were two verses at that time in the mouths of all the common people, which, in spite of prejudice, one cannot but regard with some degree of approbation.

When Adam delved and Eve span,

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Where was then the gentleman?



ling all mankind, forced kisses from her; but they allowed her to continue her journey without attempting any further injury (Froissard, liv. ii., chap. 74). They sent a message to the king, who had taken shelter in the Tower, and they desired a conference with him. Richard sailed down the river in a barge for that purpose; but on his approaching the shore, he saw such symptoms of tumult and insolence that he put back and returned to that fortress (Ibid., chap. 75). The seditious peasants, meanwhile, favoured by the populace of London, had broken into the city, had burned the Duke of Lancaster's palace of the Savoy; cut off the heads of all the gentlemen whom they laid hold of; expressed a particular animosity against the lawyers and attorneys; and pillaged the warehouses of the rich merchants (Ibid., chap. 76; Walsingham, pp. 248, 249). A great body of them quartered themselves at Mile End, and the king, finding no defence in the Tower, which was weakly garrisoned and ill supplied with provisions, was obliged to go out to them and ask their demands. They required a general pardon, the abolition of slavery, freedom of commerce in market towns without toll or impost, and a fixed rent on lands instead of the services due by villanage. These requests, which though extremely reasonable in themselves, the nation was not sufficiently prepared to receive, and which it was dangerous to have extorted by violence, were however complied with, charters to that purpose were granted them; and this body immediately dispersed and returned to their several homes (Froissard, liv. ii., ch. 77).

During this transaction, another body of the rebels had broken into the Tower; had murdered Simon Sudbury, the primate and chancellor, with Sir Robert Hales, the treasurer, and some other persons of distinction, and continued their ravages in the city (Walsingham, pp. 250, 251). The king passing along Smithfield, very slenderly guarded, met with Wat Tyler at the head of these rioters, and entered into a conference with him. Tyler, having ordered his companions to retire till he should give them a signal, after which they were to murder all the company except the king himself, whom they were to detain prisoner, feared not to come into the midst of the royal retinue. He there behaved himself in such a manner that Walworth, the mayor of London, not able to bear his insolence, drew his sword and struck him so violent a blow as brought him to the ground, where he was instantly despatched by others of the king's attendants. The mutineers seeing their leader fall prepared themselves for revenge; and this whole company, with the king himself, had undoubtedly perished on the spot had it not been for an extraordinary presence of mind which Richard discovered on the occasion. He ordered his company to stop, he advanced alone towards the enraged multitude, and accosting them with an affable and intrepid countenance, he asked them, 'What is the meaning of this disorder, my good people? Are ye angry that ye have lost your leader? I am your king; I will be your leader.' The populace, overawed by his presence, implicitly followed him; he led them into the fields to prevent any disorder which might have arisen by their continuing in the city. Being there joined by Sir Robert Knolles and a body of well-armed veteran soldiers who had been secretly drawn together, he strictly prohibited that officer from falling on the rioters and committing

an undistinguished slaughter upon them, and he peaceably dismissed them with the same charters which had been granted to their fellows.<sup>1</sup> Soon after, the nobility and gentry, hearing of the king's danger in which they were all involved, flocked to London with their adherents and retainers, and Richard took the field at the head of an army 40,000 strong (Walsingham, p. 267). It then behoved all the rebels to submit; the charters of enfranchisement and pardon were revoked by parliament; the low people were reduced to the same slavish condition as before; and several of the ringleaders were severely punished for the late disorders. Some were even executed without process or form of law.<sup>2</sup> It was pretended that the intentions of the mutineers had been to seize the king's person, to carry him through England at their head, to murder all the nobility, gentry, and lawyers, and even all the bishops and priests, except the mendicant friars; to despatch afterwards the king himself, and having thus reduced all to a level, to order the kingdom at their pleasure (Walsingham, p. 265). It is not impossible but many of them, in the delirium of their first success, might have formed such projects; but of all the evils incident to human society, the insurrections of the populace, when not raised and supported by persons of higher quality, are the least to be dreaded. The mischiefs consequent to an abolition of all rank and distinction, become so great that they are immediately felt, and soon bring affairs back to their former order and arrangement.

A youth of sixteen, (which was at this time (A.D. 1385) the king's age), who had discovered so much courage, presence of mind, and address, and had so dexterously eluded the violence of this tumult, raised great expectations in the nation; and it was natural to hope that he would in the course of his life equal the glories which had so uniformly attended his father and his grandfather in all their undertakings. But in proportion as Richard advanced in years, these hopes vanished; and his want of capacity, at least of solid judgment, appeared in every enterprise which he attempted. The Scots, sensible of their own deficiency in cavalry, had applied to the regency of Charles VI.; and John de Vienne, Admiral of France, had been sent over with a body of 1500 men-at-arms to support them in their incursions against the English. The danger was now deemed by the king's uncles somewhat serious, and a numerous army of 60,000 men was levied, and they marched into Scotland with Richard himself at their head. The Scots did not pretend to make resistance against so great a force; they abandoned without scruple their country to be pillaged and destroyed by the enemy; and when De Vienne expressed his surprise at this plan of operations, they told him that all their cattle was driven into the forests and fastnesses; that their houses and other goods were of small value; and that they well knew how to compensate any losses which they might sustain in that respect by making an incursion into England. Accordingly, when Richard entered Scotland by Berwick and the east coast, the Scots, to the number of 30,000 men, attended by the French, entered the borders of England by the west, and carrying their ravages through Cumberland, Westmoreland, and Lancashire, collected a rich booty and then returned in tranquillity to their own

<sup>1</sup> Froissard, vol. 11, chap. 77; Walsingham, p. 252; Knyghton, p. 2637.

<sup>2</sup> 5 Rich. II., cap. ult., quoted in Observ. on Ancient Statutes, p. 262.

country Richard meanwhile advanced towards Edinburgh, and destroyed in his way all the towns and villages on each side of him. He reduced that city to ashes, he treated in the same manner Perth, Dundee, and other places in the low countries; but when he was advised to march towards the west coast to await there the return of the enemy, and to take revenge on them for their devastations, his impatience to return to England and enjoy his usual pleasures and amusements outweighed every consideration, and he led back his army without effecting anything by all these mighty preparations. The Scots soon after, finding the heavy bodies of French cavalry very useless in that desultory kind of war to which they confined themselves, treated their allies so ill that the French returned home much disgusted with the country and with the manners of its inhabitants<sup>1</sup> And the English, though they regretted the indolence and levity of their king, saw themselves for the future secured against any dangerous invasion from that quarter

But it was so material an interest of the French court to wrest the seaport towns from the hands of their enemy, that they resolved to attempt it by some other expedient, and found no means so likely as an invasion of England itself. They (A.D. 1386) collected a great fleet and army at Sluise, for the Flemings were now in alliance with them all the nobility of France were engaged in this enterprise; the English were kept in alarm, great preparations were made for the reception of the invaders; and though the dispersion of French ships by a storm, and the taking of many of them by the English, before the embarkation of the troops, freed the kingdom from the present danger, the king and council were fully sensible that this perilous situation might every moment return upon them<sup>2</sup>

There were two circumstances, chiefly, which engaged the French at this time to think of such attempts. The one was the absence of the Duke of Lancaster, who had carried into Spain the flower of the English military force, in prosecution of his vain claim to the crown of Castile, an enterprise in which, after some promising success, he was finally disappointed. The other was, the violent dissensions and disorders which had taken place in the English government.

The subjection in which Richard was held by his uncles, particularly by the Duke of Gloucester, a prince of ambition and genius, though it was not unsuitable to his years and slender capacity, was extremely disagreeable to his violent temper; and he soon attempted to shake off the yoke imposed upon him. Robert de Vere, Earl of Oxford, a young man of noble family, of an agreeable figure, but of dissolute manners, had acquired an entire ascendant over him, and governed him with an absolute authority. The king set so little bounds to his affection, that he first created his favourite Marquis of Dublin, a title before unknown in England, then Duke of Ireland; and transferred to him by patent, which was confirmed in parliament, the entire sovereignty for life of that island<sup>3</sup>. He gave him in marriage his cousin-german the daughter of Ingelram de Couci, Earl of Bedford, but

<sup>1</sup> Froissard, liv. ii., chap. 149, 150, etc., liv. iii., chap. 52. Walsingham, pp. 316, 317.

<sup>2</sup> Froissard, liv. iii., chap. 41, 53. Walsingham, pp. 322, 323.

<sup>3</sup> Cotton, pp. 310, 311, Cox's Hist. of Ireland, p. 129, Walsingham, p. 324.

soon after he permitted him to repudiate that lady, though of an unexceptionable character, and to marry a foreigner, a Bohemian, with whom he had become enamoured (Walsingham, p 328). These public declarations of attachment turned the attention of the whole court towards the minion. all favours passed through his hands; access to the king could only be obtained by his mediation; and Richard seemed to take no pleasure in royal authority, but so far as it enabled him to load with titles and dignities this object of his affections.

The jealousy of power immediately produced an animosity between the minion and his creatures on the one hand, and the princes of the blood and chief nobility on the other; and the usual complaints against the insolence of favourites were loudly echoed, and greedily received, in every part of the kingdom. Mowbray, Earl of Nottingham, the mareschal, Fitz-Alan, Earl of Arundel, Piercy, Earl of Northumberland, Montacute, Earl of Salisbury, Beauchamp, Earl of Warwick, were all connected with each other, and with the princes, by friendship or alliance, and still more by their common antipathy to those who had eclipsed them in the king's favour and confidence. No longer kept in awe by the personal character of the prince, they scorned to submit to his ministers; and the method which they took to redress the grievances complained of well suited the violence of the age, and proves the desperate extremities to which every opposition was sure to be instantly carried.

Michael de la Pole, the present chancellor, and lately created Earl of Suffolk, was the son of an eminent merchant; but had risen by his abilities and valour during the wars of Edward III., had acquired the friendship of that monarch, and was esteemed the person of greatest experience and capacity among those who were attached to the Duke of Ireland and the king's secret council. The Duke of Gloucester, who had the house of commons at his devotion, impelled them to exercise that power which they seem first to have assumed against Lord Latimer during the declining years of the late king; and an impeachment against the chancellor was carried up by them to the house of peers, which was no less at his devotion. The king foresaw the tempest preparing against him and his ministers. After attempting in vain to rouse the Londoners to his defence, he withdrew from parliament, and retired with his court to Eltham. The parliament sent a deputation, inviting him to return, and threatening that if he persisted in absenting himself, they would immediately dissolve, and leave the nation, though at that time in imminent danger of a French invasion, without any support or supply for its defence. At the same time, a member was encouraged to call for the record, containing the parliamentary deposition of Edward II., a plain intimation of the fate which Richard, if he continued refractory, had reason to expect from them. The king, finding himself unable to resist, was content to stipulate, that, except finishing the present impeachment against Suffolk, no attack should be made upon any other of his ministers, and on that condition he returned to the parliament.<sup>1</sup>

<sup>1</sup> Knyghton, p 2715, etc. The same author, p 2680, tells us that the king, in return to the message, said that he would not, for their desire, remove the meanest scullion from his kitchen. This author also tells us that the king said to the commissioners, when they harangued him,

Nothing can prove more fully the innocence of Suffolk, than the frivolousness of the crimes which his enemies, in the present plenitude of their power, thought proper to object against him (Cotton, p. 315; Knyghton, p. 2683). It was alleged that, being chancellor, and obliged by his oath to consult the king's profit, he had purchased lands of the crown below their true value; that he had exchanged with the king a perpetual annuity of 400 marks a year, which he inherited from his father, and which was assigned upon the customs of the port of Hull for lands of an equal income; that having obtained for his son the priory of St. Anthony, which was formerly possessed by a Frenchman, an enemy, and a schismatic, and a new prior being at the same time named by the Pope, he had refused to admit this person, whose title was not legal, till he made a composition with his son, and agreed to pay him a hundred pounds a year from the income of the benefice; that he had purchased from one Tydeman, of Limborch, an old and forfeited annuity of fifty pounds a year upon the crown, and had engaged the king to admit that bad debt, and that, when created Earl of Suffolk, he had obtained a grant of 500*l* a year to support the dignity of that title<sup>1</sup>. Even the proof of these articles, frivolous as they are, was found very deficient upon the trial. It appeared that Suffolk had made no purchase from the crown while he was chancellor, and that all his bargains of that kind were made before he was advanced to that dignity (Cotton, p. 315). It is almost needless to add, that he was condemned notwithstanding his defence, and that he was deprived of his office.

Gloucester and his associates observed their stipulation with the king, and attacked no more of his ministers, but they immediately attacked himself and his royal dignity, and framed a commission after the model of those which had been attempted almost in every reign since that of Richard I., and which had always been attended with extreme confusion<sup>2</sup>. By this commission, which was ratified by parliament, a council of fourteen persons was appointed, all of Gloucester's faction, except Nevil, Archbishop of York; the sovereign power was transferred to these men for a twelvemonth, the king, who had now reached the twenty-first year of his age, was in reality dethroned; the anastocracy was rendered supreme; and though the term of the commission was limited, it was easy to foresee that the intentions of the party were to render it perpetual, and that power would with great difficulty be wrested from those grasping hands to which it was once

that he saw his subjects were rebellious, and his best way would be to call in the King of France to his aid. But it is plain that all these speeches were either intended by Knyghton merely as an ornament to his history, or are false. For (1) when the five lords accuse the king's ministers in the next parliament, and impute to them every rash action of the king, they speak nothing of these replies which are so obnoxious, were so recent, and are pretended to have been so public. (2) The king, so far from having any connection at that time with France, was threatened with a dangerous invasion from that kingdom. This story seems to have been taken from the reproaches afterwards thrown out against him, and to have been transferred by the historians to this time, to which they cannot be applied.

<sup>1</sup> It is probable that the Earl of Suffolk was not rich, nor able to support the dignity without the bounty of the crown. For his father, Michael de la Pole, though a great merchant, had been ruined by lending money to the late king. Cotton, p. 194. We may remark that the Dukes of Gloucester and York, though vastly rich, received at the same time each of them a thousand pounds a year, to support their dignity. Rymer, vol. vii, p. 481, Cotton, p. 310.

<sup>2</sup> Knyghton, p. 2686, Statutes at Large, 10 Rich. II., chap. 1.

committed. Richard, however, was obliged to submit; he signed the commission, which violence had extorted from him; he took an oath never to infringe it; and though at the end of the session he publicly entered a protest, that the prerogatives of the crown, notwithstanding his late concession, should still be deemed entire and unimpaired (Cotton, p. 318), the new commissioners, without regarding this declaration, proceeded to the exercise of their authority.

The king, thus (A.D. 1387) dispossessed of royal power, was soon sensible of the contempt into which he had fallen. His favourites and ministers, who were as yet allowed to remain about his person, failed not to aggravate the injury, which, without any demerit on his part, had been offered to him. And his eager temper was of itself sufficiently inclined to seek the means, both of recovering his authority, and of revenging himself on those who had invaded it. As the House of Commons appeared now of weight in the constitution, he secretly tried some expedients for procuring a favourable election: he sounded some of the sheriffs, who being at that time both the returning officers and magistrates of great power in the counties, had naturally considerable influence in elections.<sup>1</sup> But as most of them had been appointed by his uncles, either during his minority, or during the course of the present commission, he found them in general averse to his enterprise. The sentiments and inclinations of the judges were more favourable to him. He met, at Nottingham, Sir Robert Tresilian, chief-justice of the King's Bench, Sir Robert Belknappe, chief-justice of the Common Pleas, Sir John Cary, chief baron of the Exchequer, Holt, Fulthorpe, and Bourge, inferior justices, and Locton, serjeant-at-law; and he proposed to them some queries, which these lawyers, either from the influence of his authority or of reason, made no scruple of answering in the way he desired. They declared that the late commission was derogatory to the royalty and prerogative of the king; that those who procured it, or advised the king to consent to it, were punishable with death; that those who necessitated and compelled him were guilty of treason, that those were equally criminal who should persevere in maintaining it; that the king has the right of dissolving parliaments at pleasure, that the parliament, while it sits, must first proceed upon the king's business; and that this assembly cannot, without his consent, impeach any of his ministers and judges (Knyghton, p. 2694; Ypod. Neust., p. 541). Even according to our present strict maxims with regard to law and the royal prerogative, all these determinations, except the two last, appear justifiable: and as the great privileges of the commons, particularly that of impeachment, were hitherto new, and supported by few precedents, there want not plausible reasons to justify these opinions of the judges.<sup>2</sup> They

<sup>1</sup> In the preamble to 5 Hen IV., cap. vii., it is implied that the sheriffs in a manner appointed the members of the House of Commons not only in this parliament but in many others.

<sup>2</sup> The parliament in 1341 exacted of Ed. III. that, on the third day of every session, the king should resume all the great offices, and that the ministers should then answer to any accusation that should be brought against them. Which plainly implies that, while ministers, they could not be accused or impeached in parliament. Hen IV. told the Commons, that the usage of parliament required them first to go through the king's business in granting supplies, which order the king intended not to alter. Parl. Hist., vol. ii., p. 65. Upon the whole, it must be allowed, that, according to ancient practice and principles, there are, at least, plausible grounds for all these opinions of the judges. It must be remarked, that this

signed therefore their answer to the king's queries before the Archbishops of York and Dublin, the Bishops of Durham, Chichester, and Bangor, the Duke of Ireland, the Earl of Suffolk, and two other counsellors of inferior quality.

The Duke of Gloucester and his adherents soon got intelligence of this secret consultation, and were naturally very much alarmed at it. They saw the king's intentions; and they determined to prevent the execution of them. As soon as he came to London, which they knew was well disposed to their party, they secretly assembled their forces, and appeared in arms at Haringay Park, near Highgate, with a power which Richard and his ministers were not able to resist. They sent him a message by the Archbishop of Canterbury, and the Lords Lovel, Cobham, and Devereux, and demanded that the persons who had seduced him by their pernicious counsel, and were traitors both to him and to the kingdom, should be delivered up to them. A few days afterwards they appeared in his presence, armed and attended with armed followers; and they accused, by name, the Archbishop of York, the Duke of Ireland, the Earl of Suffolk, Sir Robert Tresilian, and Sir Nicholas Brembre, as public and dangerous enemies to the state. They threw down their gauntlets before the king, and fiercely offered to maintain the truth of their charge by duel. The persons accused, and all the other obnoxious ministers, had withdrawn or had concealed themselves.

The Duke of Ireland fled to Cheshire, and levied some forces, with which he advanced to relieve the king from the violence of the nobles. Gloucester encountered him in Oxfordshire with much superior forces; routed him, dispersed his followers, and obliged him to fly into the Low Countries, where he died in exile a few years after. The lords then (A.D. 1388, Feb. 3rd) appeared at London with an army of 40,000 men; and having obliged the king to summon a parliament, which was entirely at their devotion, they had full power, by observing a few legal forms, to take vengeance on all their enemies. Five great peers, men whose combined power was able at any time to shake the throne, the Duke of Gloucester, the king's uncle; the Earl of Derby, son of the Duke of Lancaster; the Earl of Arundel, the Earl of Warwick, and the Earl of Nottingham, mareschal of England, entered before the parliament an accusation or appeal, as it was called, against the five counsellors, whom they had already accused before the king. The parliament, who ought to have been judges, were not ashamed to impose an oath on all their members, by which they bound themselves to live and die with the lords appellants, and to defend them against all opposition with their lives and fortunes (Cotton, p. 322).

The other proceedings were well suited to the violence and iniquity of the times. A charge, consisting of thirty-nine articles, was delivered in by the appellants; and as none of the accused counsellors except Sir Nicholas Brembre was in custody, the rest were cited to appear; and upon their absenting themselves, the house of peers, after affirmation of Hen. IV. was given deliberately after consulting the house of peers, who were much better acquainted with the usage of parliament than the ignorant commons. And it has the greater authority, because Hen. IV. had made this very principle a considerable article of charge against his predecessor, and that a very few years before. So ill grounded were most of the imputations thrown on the unhappy Richard.

a very short interval, without hearing a witness, without examining a fact, or deliberating on one point of law, declared them guilty of high treason. Sir Nicholas Brembre, who was produced in court, had the appearance, and but the appearance, of a trial: the peers, though they were not by law his proper judges, pronounced, in a very summary manner, sentence of death upon him; and he was executed, together with Sir Robert Tresilian, who had been discovered and was taken in the interval.

It would be tedious to recite the whole charge delivered in against the five counsellors; which is to be met with in several collections.<sup>1</sup> It is sufficient to observe, in general, that if we reason upon the supposition, which is the true one, that the royal prerogative was invaded by the commission extorted by the Duke of Gloucester and his associates, and that the king's person was afterwards detained in custody by rebels, many of the articles will appear, not only to imply no crime in the Duke of Ireland and the ministers, but to ascribe to them actions which were laudable, and which they were bound by their allegiance to perform. The few articles impeaching the conduct of these ministers before that commission, which subverted the constitution, and annihilated all justice and legal authority, are vague and general, such as their engrossing the king's favour, keeping his barons at a distance from him, obtaining unreasonable grants for themselves or their creatures, and dissipating the public treasure by useless expenses. No violence is objected to them, no particular illegal act;<sup>2</sup> no breach of any statute; and their administration may therefore be concluded to have been so far innocent and inoffensive. All the disorders indeed seem to have proceeded, not from any violation of the laws, or any ministerial tyranny, but merely from a rivalry of power, which the Duke of Gloucester and the great nobility, agreeably to the genius of the times, carried to the utmost extremity against their opponents, without regard to reason, justice, or humanity.

But these were not the only deeds of violence committed during the triumph of the party. All the other judges, who had signed the extrajudicial opinions at Nottingham, were condemned to death, and were, as a grace or favour, banished to Ireland, though they pleaded the fear of their lives, and the menaces of the king's ministers as their excuse. Lord Beachamp of Holt, Sir James Berners, and John Salisbury, were also tried and condemned for high treason, merely because they had attempted to defeat the late commission; but the life of the latter was spared. The fate of Sir Simon Burley was more severe: this gentleman was much beloved for his personal merit, had dis-

<sup>1</sup> Knyghton, p. 2715, Tyrrel, vol. iii, part 2, p. 919, from the records, *Parl. Hist.*, vol. 1, p. 414.

<sup>2</sup> We must except the 12th article, which accuses Brembre of having cut off the heads of twenty-two prisoners, confined for felony or debt, without warrant or process of law. But, as it is not conceivable what interest Brembre could have to treat these felons and debtors in such a manner, we may presume that the fact is either false or misrepresented. It was in these men's power to say anything against the persons accused. No defence or apology was admitted. All was lawless will and pleasure. They are also accused of designs to murder the lord. But these accusations either are general, or destroy one another. Sometimes, as in article 15th, they intend to murder them by means of the mayor and city of London. Sometimes, as in article 28th, by trial and false inquest, sometimes, as in article 28th, by means of the King of France, who was to receive Calais for his pains.



tinguished himself by many honourable actions,<sup>1</sup> was created knight of the garter, and had been appointed governor to Richard, by the choice of the late king and of the Black Prince; he had attended his master from the earliest infancy of that prince, and had ever remained extremely attached to him; yet all these considerations could not save him from falling a victim to Gloucester's vengeance. This execution, more than all the others, made a deep impression on the mind of Richard: his queen too (for he was already married to the sister of the Emperor Wincleslaus, King of Bohemia) interested herself in behalf of Burley; she remained three hours on her knees before the Duke of Gloucester, pleading for that gentleman's life, but though she was become extremely popular by her amiable qualities, which had acquired her the appellation of 'The good queen Ann,' her petition was sternly rejected by the inexorable tyrant.

The parliament concluded this violent scene by a declaration that none of the articles, decided on these trials to be treason, should ever afterwards be drawn into precedent by the judges, who were still to consider the statute of the twenty-fifth of Edward as the rule of their decisions. The House of Lords seem not, at that time, to have known or acknowledged the principle, that they themselves were bound, in their judicial capacity, to follow the rules which they, in conjunction with the king and commons, had established in their legislative.<sup>2</sup> It was also enacted, that every one should swear to the perpetual maintenance and support of the forfeitures and attainders, and of all the other acts passed during this parliament. The Archbishop of Canterbury added the penalty of excommunication, as a further security to these violent transactions.

It might naturally be expected, that the king, being (A. D. 1389) reduced to such slavery by the combination of the princes and chief nobility, and having appeared so unable to defend his servants from the cruel effects of their resentment, would long remain in subjection to them; and, never would recover the royal power, without the most violent struggles and convulsions, but the event proved contrary. In less than a twelvemonth, Richard, who was in his twenty-third year, declared

<sup>1</sup> At least this is the character given of him by Froissard, liv. 11, who knew him personally. Walsingham, p. 334, gives a very different character of him, but he is a writer somewhat passionate and partial, and the choice made of this gentleman by Edw. III. and the Black Prince for the education of Richard, makes the character given him by Froissard much more probable.

<sup>2</sup> In general, the parliament in those days never paid a proper regard to Edward's statute of treasons, though one of the most advantageous laws for the subject that has ever been enacted. In the 17th of the king, the Dukes of Lancaster and Gloucester complain to Richard, that Sir Thomas Talbot, with others of his adherents, conspired the death of the said dukes in divers parts of Cheshire, as the same was confessed and well known, and praying that the parliament may judge of the fault. Whereupon the king and the lords in the parliament judged the same fact to be open and high treason, and hereupon they award two writs, the one to the sheriff of York, and the other to the sheriff of Derby, to take the body of the said Sir Thomas, returnable in the King's Bench in the month of Easter then ensuing. And open proclamation was made in Westminster Hall, that upon the sheriff's return, and at the next coming in of the said Sir Thomas, the said Thomas should be convicted of treason, and incur the loss and pain of the same, and all such as should receive him, after the proclamation, should incur the same loss and pain. Cotton, p. 354. It is to be observed, that this extraordinary judgment was passed in a time of tranquillity. Though the statute itself of Edw. III. reserves a power to the parliament to declare any new species of treason, it is not to be supposed that this power was reserved to the House of Lords alone, or that men were to be judged by a law *ex post facto*. At least, if such be the meaning of the clause, it may be affirmed that men were, at that time, very ignorant of the first principles of law and justice.

in council, that as he had now attained the full age which entitled him to govern by his own authority his kingdom and household, he resolved to exercise his right of sovereignty; and when no one ventured to contradict so reasonable an intention, he deprived Fitz-Alan, Archbishop of Canterbury, of the dignity of chancellor, and bestowed that high office on William of Wickham, Bishop of Winchester; the Bishop of Hereford was displaced from the office of treasurer, the Earl of Arundel from that of admiral; even the Duke of Gloucester and the Earl of Warwick were removed for a time from the council; and no opposition was made to these great changes. The history of this reign is imperfect, and little to be depended on, except where it is supported by public records; and it is not easy for us to assign the reason of this unexpected event. Perhaps some secret animosities, naturally to be expected in that situation, had crept in among the great men, and had enabled the king to recover his authority. Perhaps the violence of their former proceedings had lost them the affections of the people, who soon repent of any cruel extremities to which they are carried by their leaders. However this may be, Richard exercised with moderation the authority which he had resumed. He seemed to be entirely reconciled to his uncles (Dugdale, vol. ii., p. 170) and the other great men, of whom he had so much reason to complain, he never attempted to recall from banishment the Duke of Ireland, whom he found so obnoxious to them; he confirmed, by proclamation, the general pardon which the parliament had passed for all offences, and he courted the affections of the people, by voluntarily remitting some subsidies which had been granted him; a remarkable and almost singular instance of such generosity.

After this composure of domestic differences, and this restoration of the government to its natural state, there passes an interval of eight years, which affords not many remarkable events. The Duke of Lancaster returned from Spain, having resigned to his rival all pretensions to the crown of Castile upon payment of a large sum of money (Knyghton, p. 2677; Walsingham, p. 342), and having married his daughter, Philippa, to the King of Portugal. The authority of this prince served to counterbalance that of the Duke of Gloucester, and secured the power of Richard, who paid great court to his eldest uncle by whom he had never been offended, and whom he found more moderate in his temper than the younger. He made a cession to him for life of the Duchy of Guenne (Rymer, vol. vii., p. 659), which the inclinations and changeable humour of the Gascons had restored to the English government; but as they remonstrated loudly against this deed, it was finally, with the Duke's consent, revoked by Richard (*Ibid.*, p. 687). There happened an incident which produced a dissension between Lancaster and his two brothers. After the death of the Spanish princess, he espoused Catherine Swineford, daughter of a private knight of Hainault, by whose alliance York and Gloucester thought the dignity of their family much injured; but the king gratified his uncle, by passing in parliament a charter of legitimation to the children whom that lady had borne him before marriage, and by creating the eldest Earl of Somerset (Cotton, p. 365, Walsing, p. 352).

The wars, meanwhile, which Richard had inherited with his crown,

still continued; though interrupted by frequent truces, according to the practice of that age, and conducted with little vigour, by reason of the weakness of all parties. The French war was scarcely heard of; the tranquillity of the northern borders was only interrupted by one inroad of the Scots, which proceeded more from a rivalry between the two martial families of Percy and Douglas, than from any national quarrel; a fierce battle or skirmish was fought at Otterborne (15th August, 1388), in which young Percy, surnamed 'Hotspur,' from his impetuous valour, was taken prisoner, and Douglas slain; and the victory remained undecided.<sup>1</sup> Some insurrections of the Irish obliged the king to make an expedition into that country, which he reduced to obedience, and he recovered, in some degree, by this enterprise, his character of courage, which had suffered a little by the inactivity of his reign. At last (A.D. 1396) the English and French courts began to think in earnest of a lasting peace, but found it so difficult to adjust their opposite pretensions, that they were content to establish a truce of twenty-five years (Rymer, vol. vii, p. 820), Brest and Cherbourg were restored, the former to the Duke of Brittany, the latter to the King of Navarre; both parties were left in possession of all the other places which they held at the time of concluding the truce; and to render the amity between the two crowns more durable, Richard, who was now a widower, was affianced to Isabella, the daughter of Charles (Ibid, p. 811). This princess was only seven years of age; but the king agreed to so unequal a match, chiefly that he might fortify himself by this alliance, against the enterprises of his uncles, and the incurable turbulence as well as inconstancy of his barons.

The administration of the king, though it was not, in this interval, sullied by any unpopular act, except the seizing of the charter of London (Ibid., p. 727; Walsingham, p. 347), which was soon after restored, tended not much to corroborate his authority; and his personal character brought him into contempt, even while his public government appeared, in a good measure, unexceptionable. Indolent, profuse, addicted to low pleasures, he spent his whole time in feasting and jollity, and dissipated, in idle show, or in bounties to favourites of no reputation, that revenue which the people expected to see him employ in enterprises directed to public honour and advantage. He forgot his rank by admitting all men to his familiarity, and he was not sensible, that their acquaintance with the qualities of his mind was not able to impress them with the respect which he neglected to preserve from his birth and station. The Earls of Kent and Huntingdon, his half brothers, were his chief confidants and favourites; and though he never devoted himself to them with so profuse an affection as that with which he had formerly been attached to the Duke of Ireland, it was easy for men to see that every grace passed through their hands, and that the king had rendered himself a mere cypher in the government. The small regard which the public bore to the person of the king disposed them to murmur against his administration, and to receive, with greedy ears, every complaint which the discontented or ambitious grandees suggested to them.

Gloucester soon perceived the advantages which this dissolute con-

<sup>1</sup> Froissard, liv. iii., chap. 124, 125, 126, Walsingham, p. 355

duct gave him; and finding that both resentment and jealousy on the part of his nephew still prevented him from acquiring any ascendant over that prince, he determined to cultivate his popularity with the nation, and to revenge himself on those who eclipsed him in favour and authority. He seldom appeared at court or in council; he never declared his opinion, but in order to disapprove of the measures embraced by the king and his favourites, and he counted the friendship of every man, whom disappointment or private resentment had rendered an enemy to the administration. The long truce with France was unpopular with the English, who breathed nothing but war against that hostile nation; and Gloucester took care to encourage all the vulgar prejudices which prevailed on this subject. Forgetting the misfortunes which attended the English arms during the later years of Edward, he made an invidious comparison between the glories of that reign and the inactivity of the present, and he lamented that Richard should have degenerated so much from the heroic virtues by which his father and his grandfather were distinguished. The military men were inflamed with a desire of war, when they heard him talk of the signal victories formerly obtained, and of the easy prey which might be made of French riches by the superior valour of the English; the populace readily embraced the same sentiments; and all men exclaimed that this prince, whose counsels were so much neglected, was the true support of English honour, and alone able to raise the nation to its former power and splendour. His great abilities, his popular manners, his princely extraction, his immense riches, his high office of constable (Rymer, vol. vii., p. 152), all these advantages, not a little assisted by his want of court-favour, gave him a mighty authority in the kingdom, and rendered him formidable to Richard and his ministers.

Froissard (liv. iv., chap. 86), a contemporary writer and very impartial, but whose credit is somewhat impaired by his want of exactness in material facts, ascribes to the Duke of Gloucester more desperate views, and such as were totally incompatible with the government and domestic tranquillity of the nation. According to that historian, he proposed to his nephew, Roger Mortimer, Earl of March, whom Richard had declared his successor, to give him immediate possession of the throne, by the deposition of a prince so unworthy of power and authority; and when Mortimer declined the project, he resolved to make a partition of the kingdom between himself, his two brothers, and the Earl of Arundel, and entirely to dispossess Richard of the crown. The king, it is said, being informed of these designs, saw that either his own ruin or that of Gloucester was inevitable; and he resolved, by a hasty blow, to prevent the execution of such destructive projects. This is certain, that Gloucester, by his own confession, had often affected to speak contemptuously of the king's person and government; had deliberated concerning the lawfulness of throwing off allegiance to him; and had even borne part in a secret conference, where his deposition was proposed, and talked of, and determined;<sup>1</sup> but it is reasonable to think that his schemes were not so far advanced as to make

<sup>1</sup> Cotton, p. 378. Tyrrel, vol. iii., part 2, p. 972, from the records, Parl. Hist., vol. i., p. 473. That this confession was genuine, and obtained without violence, may be entirely depended on. Judge Ruckhill, who brought it over from Calais, was tried on that account, and

him resolve on putting them immediately in execution. The danger, probably, was still too distant to render a desperate remedy entirely necessary for the security of government.

But whatever opinion we may form of the danger arising from Gloucester's conspiracies, his aversion to the French truce and alliance was public and avowed, and that court, which had now a great influence over the king, pushed him to provide for his own safety, by punishing the traitorous designs of his uncle. The resentment against his former acts of violence revived; the sense of his refractory and uncompliant behaviour was still recent, and a man, whose ambition had once usurped royal authority, and who had murdered all the faithful servants of the king, was thought capable, on a favourable opportunity, of renewing the same criminal enterprises. The king's precipitate temper admitted of no deliberation, he ordered Gloucester to be unexpectedly arrested, to be hurried on board a ship which was lying in the river; and to be carried over to Calais, where alone, by reason of his numerous partisans, he could safely be detained in custody (Froissard, liv. iv, chap. 90, Walsing, p. 354). The Earls of Arundel and Warwick were seized at the same time. The malcontents so suddenly deprived of their leaders, were astonished and overawed, and the concurrence of the Dukes of Lancaster and York in those measures, together with the Earls of Derby and Rutland, the eldest sons of these powerful princes (Rymer, vol. viii, p. 7), bereaved them of all possibility of resistance.

A parliament was immediately summoned at Westminster; and the king doubted not to find the peers, and still more the commons, very compliant with his will. This house had in a former parliament given him very sensible proofs of their attachment,<sup>1</sup> and the present suppression of Gloucester's party made him still more assured of a favourable election. As a further expedient for that purpose, he is also said to have employed the influence of the sheriffs; a practice which, though not unusual, gave umbrage, but which the established authority of that assembly rendered afterwards still more familiar to the nation. Accordingly the parliament passed whatever acts the king was pleased to dictate to them.<sup>2</sup> They annulled for ever the commission which usurped upon the royal authority, and they declared it treasonable to attempt,

acquitted in the first parliament of Hen IV when Gloucester's party was prevalent. His acquittal, notwithstanding his innocence, may even appear marvellous, considering the times. Cotton, p. 393.

<sup>1</sup> In the preceding parliament the commons had shown a disposition very complaisant to the king, yet there happened an incident in their proceedings which is curious, and shows us the state of the House during that period. The members were either country gentlemen or merchants, who were assembled for a few days, and were entirely unacquainted with business, so that it was easy to lead them astray, and draw them into votes and resolutions very different from their intention. Some petitions concerning the state of the nation were voted, in which, among other things, the house recommended frugality to the king, and for that purpose, desired that the court should not be so much frequented, as formerly, by bishops and ladies. The king was displeased with this freedom. The commons very humbly craved pardon. He was not satisfied unless they would name the mover of the petition. It happened to be one Haxey, whom the parliament, in order to make atonement, condemned for this offence, to die the death of a traitor. But the king, at the desire of the Archbishop of Canterbury and the prelates, pardoned him. When a parliament, in those times, not agitated by any faction, and being at entire freedom, could be guilty of such monstrous extravagance, it is easy to judge what might be expected from them in more trying situations. Cotton, p. 361, 362.

<sup>2</sup> The nobles brought numerous retainers with them to give them security, as we are told by Walsingham, p. 354. The king had only a few Cheshire men for his guard.

in any future period, the revival of any similar commission (Statutes at Large, 21 Rich. II.). They abrogated all the acts which attainted the king's ministers, and which that parliament who passed them, and the whole nation, had sworn inviolably to maintain; and they declared the general pardon then granted to be invalid, as extorted by force, and never ratified by the free consent of the king. Though Richard, after he resumed the government, and lay no longer under constraint, had voluntarily, by proclamation, confirmed that general indemnity; this circumstance seemed not, in their eyes, to merit any consideration. Even a particular pardon granted six years after to the Earl of Arundel, was annulled by parliament, on pretence that it had been procured by surprise, and that the king was not then fully apprized of the degree of guilt incurred by that nobleman.

The Commons then preferred an impeachment against Fitz-Alan, Archbishop of Canterbury, and brother to Arundel, and accused him for his concurrence in procuring the illegal commission, and in attainting the king's ministers. The primate pleaded guilty: but as he was protected by the ecclesiastical privileges, the king was satisfied with a sentence which banished him from the kingdom, and sequestered his temporalities (Cotton, p. 368). An appeal or accusation was presented against the Duke of Gloucester and the Earls of Arundel and Warwick, by the Earls of Rutland, Kent, Huntingdon, Somerset, Salisbury, and Nottingham, together with the Lords Spencer and Scrope, and they were accused of the same crimes which had been imputed to the archbishop, as well as of their appearance against the king in a hostile manner at Haringay Park. The Earl of Arundel, who was brought to the bar, wisely confined all his defence to the pleading of both the general and particular pardon of the king, but his plea being overruled, he was condemned and executed.<sup>1</sup> The Earl of Warwick, who was also convicted of high treason, was, on account of his submissive behaviour, pardoned as to his life, but doomed to perpetual banishment in the Isle of Man. No new acts of treason were imputed to either of these noblemen. The only crimes for which they were condemned, were the old attempts against the crown, which seemed to be obliterated, both by the distance of time, and by repeated pardons (Tyrrel, vol. iii., part ii., p. 968, from the Records). The reasons of this method of proceeding, it is difficult to conjecture. The recent conspiracies of Gloucester seem certain from his own confession; but, perhaps, the king and ministry had not, at that time, in their hands, any satisfactory proof of their reality; perhaps it was difficult to convict Arundel and Warwick of any participation in them; perhaps an inquiry into these conspiracies would have involved in the guilt some of those great noblemen who now concurred with the crown, and whom it was necessary to cover from all imputation; or perhaps the king, according to the genius of the age, was indifferent about maintaining even the appearance of law and equity, and was only solicitous by any means to ensure success in these prosecutions. This point, like many others in ancient history, we are obliged to leave altogether undetermined.

A warrant was issued to the earl mareschal, governor of Calais, to bring over the Duke of Gloucester, in order to his trial; but the gover-

<sup>1</sup> Ibid, p. 377; Froissard, liv. iv., chap. 90, Walsing., p. 354.

nor returned for answer, that the duke had died suddenly of an apoplexy in that fortress. Nothing could be more suspicious, from the time, than the circumstances of that prince's death; it became immediately the general opinion, that he was murdered by orders from his nephew; in the subsequent reign undoubted proofs were produced in parliament, that he had been suffocated with pillows by his keepers. (Cotton, p. 399, 400, Dugdale, vol. ii., p. 171). And it appeared that the king, apprehensive lest the public trial and execution of so popular a prince, and so near a relation, might prove both dangerous and invidious, had taken this base method of gratifying, and, as he fancied, concealing, his revenge upon him. Both parties, in their successive triumphs, seem to have had no further concern than that of retaliating upon their adversaries; and neither of them were aware, that, by imitating, they indirectly justified, as far as it lay in their power, all the illegal violence of the opposite party.<sup>1</sup>

This session concluded with the creation or advancement of several peers; the Earl of Derby was made Duke of Hereford, the Earl of Rutland, Duke of Albemarle; the Earl of Kent, Duke of Surrey; the Earl of Huntingdon, Duke of Exeter; the Earl of Nottingham, Duke of Norfolk, the Earl of Somerset, Marquis of Dorset, Lord Spenser, Earl of Gloucester; Ralph Nevil, Earl of Westmoreland; Thomas Percy, Earl of Worcester, William Sciope, Earl of Wiltshire (Cotton, p. 370, 371). The parliament, after a session of twelve days, was adjourned to Shrewsbury. The king, before the departure of the members, exacted from them an oath for the perpetual maintenance and establishment of all their acts; an oath, similar to that which had formerly been required by the Duke of Gloucester and his party, and which had already proved so vain and fruitless.

Both king and parliament met (A D 1308, Jan 28) in the same dispositions at Shrewsbury. So anxious was Richard for the security of these acts, that he obliged the lords and commons to swear anew to them on the cross of Canterbury (Ibid, p. 371); and he soon after procured a bull from the Pope, by which they were, as he imagined, perpetually secured and established (Walsing, p. 355). The parliament, on the other hand, conferred on him for life the duties on wool, wool-fells, and leather, and granted him besides a subsidy of one tenth and a half, and one fifteenth and a half. They also reversed the attainder of Tresilian and the other judges; and, with the approbation of the present judges, declared the answers for which these magistrates had been impeached, to be just and legal (Statutes at Large, 21 Rich. II.) and they carried so far their retrospect, as to reverse, on the petition of Lord Spenser, Earl of Gloucester, the attainder pronounced against the two Spencers in the reign of Edward II. (Cotton, p. 372). The ancient History of England is nothing but a catalogue of reversals; everything is in fluctuation and movement, one faction is continually undoing what was established by another; and the multiplied oaths, which each party exacted for the security of the present acts, betray a perpetual consciousness of their instability.

The parliament, before they were dissolved, elected a committee of twelve lords and six commoners,<sup>1</sup> whom they invested with the whole

<sup>1</sup> The names of the commissioners were, the Dukes of Lancaster, York, Albemarle, Surrey,

power both of lords and commons, and endowed with full authority to finish all business which had been laid before the houses, and which they had not had leisure to bring to a conclusion (Cotton, p. 372; Walsing., p. 355). This was an unusual concession; and though it was limited in the object, might, either immediately or as a precedent, have proved dangerous to the constitution; but the cause of that extraordinary measure was an event singular and unexpected, which engaged the attention of the parliament.

After the destruction of the Duke of Gloucester and the heads of that party, a misunderstanding broke out among those noblemen who had joined in the prosecution; and the king wanted either authority sufficient to appease it, or foresight to prevent it. The Duke of Hereford appeared in parliament, and accused the Duke of Norfolk of having spoken to him, in private, many slanderous words of the king, and of having imputed to that prince an intention of subverting and destroying many of his principal nobility (Cotton, p. 372; *Parl. Hist.*, vol. 1., p. 490). Norfolk denied the charge, gave Hereford the lie, and offered to prove his own innocence by duel. The challenge was accepted; the time and place for combat were appointed; and as the event of this important trial by arms might require the interposition of legislative authority, the parliament thought it more suitable to delegate their power to a committee, than to prolong the session beyond the usual time which custom and convenience had prescribed to it.<sup>1</sup>

The Duke of Hereford was certainly very little delicate in the point of honour, when he revealed a private conversation to the ruin of the person who had intimated him; and we may thence be more inclined to believe the Duke of Norfolk's denial, than the other's asseveration. But Norfolk had in these transactions betrayed an equal neglect of honour, which brings him entirely on a level with his antagonist. Though he had publicly joined with the Duke of Gloucester and his party in all the former acts of violence against the king; and his name stands among the appellants who accused the Duke of Ireland and the other ministers; yet was he not ashamed publicly to impeach his former associates for the very crimes which he had concurred with them in committing; and his name increases the list of those appellants who brought them to a trial. Such were the principles and practices of those ancient knights and barons during the prevalence of the aristocratical government and the reign of chivalry.

The lists for this decision of truth and right were appointed at Coventry before the king; all the nobility of England banded into parties, and adhered either to the one duke or the other; the whole nation was held in suspense with regard to the event; but when the two champions appeared in the field, accoutred for the combat, the king interposed, to prevent both the present effusion of such noble blood,

and Exeter, the Marquis of Dorset; the Earls of March, Salisbury, Northumberland, Gloucester, Winchester, and Wiltshire, John Bussey, Henry Green, John Russel, Robert Teyne, Henry Chelmeswicke, and John Golofre. It is to be remarked, that the Duke of Lancaster always concurred with the rest in all their proceedings, even in the banishment of his son, which was afterwards so much complained of.

<sup>1</sup> In the first year of Hen VI., when the authority of parliament was great, and when that assembly could least be suspected of lying under violence, a like concession was made to the privy council, from like motives of convenience. Cotton, p. 564.



and the future consequences of the quarrel. By the advice and authority of the parliamentary commissioners he stopped the duel; and to show his impartiality, he ordered, by the same authority, both the combatants to leave the kingdom (Cotton's Abridg., p. 380: Walsingham, p. 356); assigning one country for the place of Norfolk's exile, which he declared perpetual; another for that of Hereford, which he limited to ten years.

Hereford was a man of great prudence and command of temper; and he behaved himself with so much submission in these delicate circumstances, that the king, before his departure, promised to shorten the term of his exile four years; and he also granted him letters patent, by which he was empowered, in case any inheritance should in the interval accrue to him, to enter immediately in possession, and to postpone the doing of homage till his return.

The weakness and fluctuation of Richard's counsels appear nowhere more evident than in the conduct of this affair. No sooner had Hereford left the kingdom, than the king's jealousy of the power and riches of that prince's family revived, and he was sensible, that, by Gloucester's death, he had only removed a counterpoise to the Lancastrian interest, which was now become formidable to his crown and kingdom. Being informed that Hereford had entered into a treaty of marriage with the daughter of the Duke of Berry, uncle to the French king, he determined to prevent the finishing of an alliance, which would so much extend the interest of his cousin in foreign countries; and he sent over the Earl of Salisbury to Paris with a commission for that purpose. The death of the Duke of Lancaster, which happened (A.D. 1399, Feb. 3), called upon him to take new resolutions with regard to that opulent succession. The present duke, in consequence of the king's patent, desired to be put in possession of the estate and jurisdictions of his father; but Richard, afraid of strengthening the hands of a man whom he had already so much offended, applied to the parliamentary commissioners, and persuaded them that this affair was but an appendage to that business which the parliament had delegated to them. By their authority he revoked his letters patent, and retained possession of the estate of Lancaster, and by the same authority, he seized and tried the duke's attorney who had procured and insisted on the letters, and he had him condemned as a traitor for faithfully executing that trust to his master (Tyrrel, v. iii, pt. 2, p. 991., from the Records). An extravagant act of power, even though the king changed, in favour of the attorney, the penalty of death into that of banishment.

Henry, the new Duke of Lancaster, had acquired, by his conduct and abilities, the esteem of the public, and having served with distinction against the infidels in Lithuania, he had joined to his other praises those of piety and valour, virtues which have at all times a great influence over mankind, and were, during those ages, the qualities chiefly held in estimation (Walsingham, p. 343). He was connected with most of the principal nobility by blood, alliance, or friendship; and as the injury done him by the king might in its consequences affect all of them, he easily brought them, by a sense of common interest, to take part in his resentment. The people, who must have an object of affection, who found nothing in the king's person which they

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could love or revere, and who were even disgusted with many parts of his conduct,<sup>1</sup> easily transferred to Henry that attachment which the death of the Duke of Gloucester had left without any fixed direction. His misfortunes were lamented; the injustice which he had suffered was complained of; and all men turned their eyes towards him, as the only person that could retrieve the lost honour of the nation, or redress the supposed abuses in the government.

While such were the dispositions of the people, Richard had the imprudence to embark for Ireland, in order to revenge the death of his cousin, Roger Earl of Marche, the presumptive heir of the crown, who had lately been slain in a skirmish by the natives, and he thereby left the kingdom of England open to the attempts of his provoked and ambitious enemy. Henry, embarking (July 4) at Nantz with a retinue of sixty persons, among whom were the Archbishop of Canterbury and the young Earl of Arundel, nephew to that prelate, landed at Ravenspur in Yorkshire; and was immediately joined by the Earls of Northumberland and Westmoreland, two of the most potent barons in England. He there took a solemn oath, that he had no other purpose in this invasion than to recover the Duchy of Lancaster, unjustly detained from him; and he invited all his friends in England, and all lovers of their country, to second him in this reasonable and moderate pretension. Every place was in commotion; the malcontents in all quarters flew to arms, London discovered the strongest symptoms of its disposition to rebellion; and Henry's army, increasing on every day's march, soon amounted to the number of 60,000 combatants.

The Duke of York was left guardian of the realm, a place to which his birth intitled him, but which both his slender abilities and his natural connexions with the Duke of Lancaster rendered him utterly incapable of filling in such a dangerous emergency. Such of the chief nobility as were attached to the crown, and could either have seconded the guardian's good intentions or have overawed his infidelity, had attended the king into Ireland; and the efforts of Richard's friends were everywhere more feeble than those of his enemies. The Duke of York, however, appointed the rendezvous of his forces at St. Albans, and soon assembled an army of 40,000 men; but found them entirely destitute of zeal and attachment to the royal cause, and more inclined to join the party of the rebels. He hearkened therefore very readily to a message from Henry, who entreated him not to oppose a loyal and humble supplicant in the recovery of his legal patrimony; and the guardian even declared publicly that he would second his nephew in so reasonable a request. His army embraced with acclamations the same measures; and the Duke of Lancaster, reinforced by them, was now entirely master of the kingdom. He hastened to Bristol, into which some of the king's ministers had thrown themselves; and soon obliging that place to surrender, he yielded to the popular wishes, and without giving them a trial, ordered the Earl of Wiltshire, Sir John

<sup>1</sup> He levied fines upon those who had ten years before joined the Duke of Gloucester and his party. They were obliged to pay him money before he would allow them to enjoy the benefit of the indemnity, and in the articles of charge against him, it is asserted, that the payment of one fine did not suffice. It is indeed likely that his ministers would abuse the power put into their hands, and this grievance extended to very many people. Historians agree in representing this practice as a great oppression. Otterbourne, p. 199

Bussey, and Sir Henry Green, whom he there took prisoners, to be led to immediate execution.

The king receiving intelligence of this invasion and insurrection, hastened over from Ireland, and landed in Milford Haven with a body of 20,000 men; but even this army, so much inferior to the enemy, was either overawed by the general combination of the kingdom, or seized with the same spirit of disaffection; and they gradually deserted him, till he found that he had not above 6000 men who followed his standard. It appeared, therefore, necessary to retire secretly from this small body, which served only to expose him to danger; and he fled to the isle of Anglesea, where he purposed to embark either for Ireland or France, and there await the favourable opportunities, which the return of his subjects to a sense of duty, or their future discontents against the Duke of Lancaster, would probably afford him. Henry, sensible of the danger, sent to him the Earl of Northumberland with the strongest professions of loyalty and submission; and that nobleman, by treachery and false oaths, made himself (Sept. 1) master of the king's person, and carried him to his enemy at Flint Castle. Richard was conducted to London by the Duke of Lancaster, who was there received with the acclamations of the mutinous populace. It is pretended that the recorder met him on the road, and in the name of the city, entreated him, for the public safety, to put Richard to death, with all his adherents who were prisoners (Walsingham); but the duke prudently determined to make many others participate in his guilt, before he would proceed to those extremities. For this purpose, he issued writs of election in the king's name, and appointed the immediate meeting of a parliament at Westminster.

Such of the peers as were most devoted to the king were either fled or imprisoned; and no opponents, even among the barons, dared to appear against Henry, amidst that scene of outrage and violence, which commonly attends revolutions, especially in England, during those turbulent ages. It is also easy to imagine, that a house of commons, elected during this universal ferment, and this triumph of the Lancastrian party, would be extremely attached to that cause, and ready to second every suggestion of their leaders. That order, being as yet of too little weight to stem the torrent, was always carried along with it, and served only to increase the violence which the public interest required it should endeavour to control. The Duke of Lancaster, therefore, sensible that he should be entirely master, began to carry his views to the crown itself; and he deliberated with his partisans concerning the most proper means of effecting his daring purpose. He first extorted (28 Sept.) a resignation from Richard (Knyghton, p. 2744; Otterbourne, p. 212); but as he knew that this deed would plainly appear the result of force and fear, he also purposed, notwithstanding the danger of the precedent to himself and his posterity, to have him deposed in parliament, for his pretended tyranny and misconduct. A charge, consisting of thirty-three articles, was accordingly drawn up against him, and presented to that assembly.<sup>1</sup>

If we examine these articles, which are expressed with extreme acrimony against Richard, we shall find that, except some rash speeches

<sup>1</sup> Tytrel, vol. iii., part 2, p. 1008, from the Records; Knyghton, p. 2746. Otterbourne, p. 214.

which are imputed to him (Art. 16, 26), and of whose reality, as they are said to have passed in private conversation, we may reasonably entertain some doubt; the chief amount of the charge is contained in his violent conduct during the two last years of his reign, and naturally divides itself into two principal heads. The first and most considerable is the revenge which he took on the princes and great barons, who had formerly usurped, and still persevered in controlling and threatening, his authority, the second is the violation of the laws and general privileges of his people. But the former, however irregular in many of its circumstances, was fully supported by authority of parliament, and was but a copy of the violence which the princes and barons themselves, during their former triumph, had exercised against him and his party. The detention of Lancaster's estate was, properly speaking, a revocation, by parliamentary authority, of a grace which the king himself had formerly granted him. The murder of Gloucester (for the secret execution, however merited, of that prince, certainly deserves this appellation) was a private deed, formed not any precedent, and implied not any usurped or arbitrary power of the crown, which could justly give umbrage to the people. It really proceeded from a defect of power in the king, rather than from his ambition; and proves that instead of being dangerous to the constitution, he possessed not even the authority necessary for the execution of the laws.

Concerning the second head of accusation, as it mostly consists of general facts, was flamed by Richard's inveterate enemies, and was never allowed to be answered by him or his friends, it is more difficult to form a judgment. The greater part of these grievances imputed to Richard seems to be the exertion of arbitrary prerogatives, such as the dispensing power (Art. 13, 17, 18), levying purveyance (Art. 22), employing the marshal's court (Art. 27), extorting loans (Art. 14), granting protections from law-suits (Art. 16), prerogatives which, though often complained of, had often been exercised by his predecessors, and still continued to be so by his successors. But whether his irregular acts of this kind were more frequent and injudicious and violent than usual, or were only laid hold of and exaggerated by the factions to which the weakness of his reign had given birth, we are not able, at this distance, to determine with certainty. There is, however, one circumstance in which his conduct is visibly different from that of his grandfather, he is not accused of having imposed one arbitrary tax, without consent of parliament, during his whole reign;<sup>1</sup> scarcely a year passed during the reign of Edward which was free from complaints with regard to this dangerous exertion of authority. But, perhaps, the ascendant which Edward had acquired over the people, together with his great prudence, enabled him to make a use, very advantageous to his subjects, of this and other arbitrary prerogatives, and rendered them a smaller grievance in his hands than a less absolute authority in those of his grandson. This is a point which it

<sup>1</sup> We learn from Cotton, p. 369, that the king, by his chancellor, told the commons, that they were sundrily bound to him, and namely in forbearing to charge them with dimes and fifteens, the which he meant no more to charge them in his own person. These words no more allude to the practice of his predecessors. He had not himself imposed any arbitrary taxes. Even the parliament, in the articles of his deposition, though they complain of heavy taxes, affirm not that they were imposed illegally or by arbitrary will.

would be rash for us to decide positively on either side; but it is certain, that a charge drawn up by the Duke of Lancaster, and assented to by a parliament situated in those circumstances, forms no manner of presumption with regard to the unusual irregularity or violence of the king's conduct in this particular.<sup>1</sup>

When the charge against Richard was presented to the parliament, though it was liable almost in every article to objections, it was not canvassed, nor examined, nor disputed in either house, and seemed to be received with universal approbation. One man alone, the Bishop of Carlisle, had the courage amidst this general disloyalty and violence to appear in defence of his unhappy master, and to plead his cause against all the power of the prevailing party. Though some topics employed by that virtuous prelate may seem to favour too much the doctrine of passive obedience and to make too large a sacrifice of the rights of mankind, he was naturally pushed into that extreme by his abhorrence of the present licentious factions, and such intrepidity, as well as disinterestedness of behaviour, proves that whatever his speculative principles were, his heart was elevated far above the meanness and abject submission of a slave. He represented to the parliament that all the abuses of government which could justly be imputed to Richard, instead of amounting to tyranny, were merely the result of error, youth, or misguided counsel, and admitted of a remedy more easy and salutary than a total subversion of the constitution. That even had they been much more violent and dangerous than they really were, they had chiefly proceeded from former examples of resistance which, making the prince sensible of his precarious situation, had obliged him to establish his throne by irregular and arbitrary expedients. That a rebellious disposition in subjects was the principal cause of tyranny in kings. Laws could never secure the subject which did not give security to the sovereign, and if the maxim of inviolable loyalty which formed the basis of the English government were once rejected, the privileges belonging to the several orders of the state, instead of being forfeited by that licentiousness, would thereby lose the surest foundation of their force and stability. That the parliamentary deposition of Edward II, far from making a precedent which could control this maxim, was only an example of successful violence; and it was sufficiently to be lamented that crimes were so often committed in the world, without establishing principles which might justify and authorize them. That even that precedent, false and dangerous as it was, could never warrant the present excesses which were so much greater, and

<sup>1</sup> To show how little credit is to be given to this charge against Richard, we may observe, that a law in the 13 Edw. III. had been enacted against the continuance of sheriffs for more than one year. But the inconvenience of changes having afterwards appeared from experience, the commons, in the 20th of this king, applied by petition that the sheriffs might be continued, though that petition had not been enacted into a statute by reason of other disagreeable circumstances which attended it. Cotton, p. 361. It was certainly a very moderate exercise of the dispensing power in the king to continue the sheriffs, after he found that that practice would be acceptable to his subjects, and had been applied for by one house of parliament. Yet is this made an article of charge against him by the present parliament. See art. 18. Walsingham, speaking of a period early in Richard's minority, says, 'But what do acts of parliament signify, when, after they are made, they take no effect, since the king, by the advice of the privy council, takes upon him to alter, or wholly set aside, all those things which, by general consent, had been ordained in parliament?' If Richard, therefore, exercised the dispensing power, he was warranted by the examples of his uncles and grandfather, and, indeed, of all his predecessors from the time of Hen. III. inclusive.

which would entail distraction and misery on the nation to the latest posterity. That the succession, at least of the crown, was then preserved inviolate; the lineal heir was placed on the throne; and the people had an opportunity by their legal obedience to him of making atonement for the violence which they had committed against his predecessor. That a descendant of Lionel, Duke of Clarence, the elder brother of the late Duke of Lancaster, had been declared in parliament successor to the crown; he had left posterity; and their title, however it might be overpowered by present force and faction, could never be obliterated from the minds of the people. That if the turbulent disposition alone of the nation had overturned the well-established throne of so good a prince as Richard, what bloody commotions must ensue when the same cause was united to the motive of restoring the legal and undoubted heir to his authority? That the new government intended to be established would stand on no principle, and would scarcely retain any pretence by which it could challenge the obedience of men of sense and virtue. That the claim of lineal descent was so gross as scarcely to deceive the most ignorant of the populace; conquest could never be pleaded by a rebel against his sovereign; the consent of the people had no authority in a monarchy not derived from consent but established by hereditary right; and however the nation might be justified in deposing the misguided Richard, it could never have any reason for setting aside his lawful heir and successor who was plainly innocent. And that the Duke of Lancaster would give them but a bad specimen of the legal moderation which might be expected from his future government, if he added to the crime of his past rebellion the guilt of excluding the family which, both by right of blood and by declaration of parliament, would in case of Richard's demise or voluntary resignation, have been received as the undoubted heirs of the monarchy (Sir John Heywarde, p. 101).

All the circumstances of this event, compared with those which attended the late revolution in 1688, show the difference between a great and civilized nation deliberately vindicating its established privileges, and a turbulent and barbarous aristocracy plunging headlong from the extremes of one faction into those of another. This noble freedom of the Bishop of Carlisle, instead of being applauded was not so much as tolerated; he was immediately arrested by order of the Duke of Lancaster and sent a prisoner to the Abbey of St. Albans. No further debate was attempted; thirty-three long articles of charge were in one meeting voted against Richard, and voted unanimously by the same peers and prelates who a little before had voluntarily and unanimously authorized those very acts of violence of which they now complained. That prince was deposed by the suffrages of both houses, and the throne being now vacant, the Duke of Lancaster stepped forth, and having crossed himself on the forehead and on the breast, and called upon the name of Christ (Cotton's Abridg., p. 389), he pronounced these words, which we shall give in the original language because of their singularity —

‘In the name of Father, Son, and Holy Ghost, I Henry of Lancaster, challenge this realm of Ynglande, and the crown, with all the members, and the appurtenances; als I that am descendit by right

‘line of the blode, coming fro the gude king Henry therde, and throge  
‘that right that God of his grace hath sent me, with helpe of kyn, and  
‘of my frendes to recover it; the which rewme was in poynt to be  
‘ondone by defaut of governance, and ondoying of the gude lawes’  
(Knyghton, p 2757).

In order to understand this speech, it must be observed that there was a silly story received among some of the lowest vulgar, that Edmond, Earl of Lancaster, son of Henry III, was really the elder brother of Edward I, but that by reason of some deformity in his person, he had been postponed in the succession, and his younger brother imposed on the nation in his stead. As the present Duke of Lancaster inherited from Edmond by his mother, this genealogy made him the true heir of the monarchy, and it is therefore insinuated in Henry’s speech, but the absurdity was too gross to be openly avowed either by him or by the parliament. The case is the same with regard to his right of conquest; he was a subject who rebelled against his sovereign, he entered the kingdom with a retinue of no more than sixty persons, he could not therefore be the conqueror of England, and this right is accordingly insinuated, not avowed. Still there is a third claim derived from his merits in saving the nation from tyranny and oppression, and this claim is also insinuated, but as it seemed by its nature better calculated as a reason for his being elected king by a free choice than for giving him an immediate right of possession, he durst not speak openly even on this head, and to obviate any notion of election, he challenges the crown as his due either by acquisition or inheritance. The whole forms such a piece of jargon and nonsense as is almost without example; no objection however was made to it in parliament, the unanimous voice of lords and commons placed Henry on the throne; he became king, nobody could tell how or wherefore, the title of the house of Marche, formerly recognised by parliament, was neither invalidated nor repealed, but passed over in total silence; and as a concern for the liberties of the people seems to have had no hand in this revolution, their right to dispose of the government as well as all their other privileges was left precisely on the same footing as before. But Henry having, when he claimed the crown, dropped some obscure hint concerning conquest which it was thought might endanger these privileges, he soon after made a public declaration that he did not thereby intend to deprive any one of his franchises or liberties (Knyghton, p 2759; Otterbourne, p 220); which was the only circumstance where we shall find meaning or common sense in all these transactions.

The subsequent events discover the same headlong violence of conduct and the same rude notions of civil government. The deposition of Richard dissolved the parliament, it was necessary to summon a new one, and Henry, in six days after (Oct. 6), called together without any new election the same members, and this assembly he denominated a new parliament. They were employed in the usual task of reversing every deed of the opposite party. All the acts of the last parliament of Richard which had been confirmed by their oaths and by a papal bull were abrogated, all the acts which had passed in the parliament where Gloucester prevailed, which had also been confirmed by their oaths but which had been abrogated by Richard, were anew established.

(Cotton, p. 390). The answers of Tresilian and the other judges which a parliament had annulled but which a new parliament and new judges had approved, here received a second condemnation. The peers who had accused Gloucester, Arundel, and Warwick, and who had received higher titles for that piece of service, were all of them degraded from their new dignities; even the practice of prosecuting appeals in parliament which bore the air of a violent confederacy against an individual, rather than of a legal indictment, was wholly abolished, and trials were restored to the course of common law (Hen. IV., cap. 14). The natural effect of this conduct was to render the people giddy with such rapid and perpetual changes, and to make them lose all notions of right and wrong in the measures of government.

The Earl of Northumberland (Oct. 23) made a motion in the House of Peers with regard to the unhappy prince whom they had deposed. He asked them what advice they would give the king for the future treatment of him, since Henry was resolved to spare his life. They unanimously replied that he should be imprisoned under a secure guard in some secret place, and should be deprived of all commerce with any of his friends or partisans. It was easy to foresee that he would not long remain alive in the hands of such barbarous and sanguinary enemies. Historians differ with regard to the manner in which he was murdered. It was long the prevailing opinion that Sir Piers Exton and others of his guards fell upon him in the Castle of Pomfret where he was confined, and despatched him with their halberds. But it is more probable that he was starved to death in prison, and after all sustenance was denied him, he prolonged his unhappy life, it is said, for a fortnight before he reached the end of his miseries. This account is more consistent with the story that his body was exposed in public, and that no marks of violence were observed upon it. He died in the thirty-fourth year of his age and the twenty-third of his reign. He left no posterity either legitimate or illegitimate.

All the writers who have transmitted to us the history of Richard, lived during the reigns of the Lancastrian princes, and candour requires, that we should not give entire credit to the reproaches which they have thrown upon his memory. But after making all proper allowances, he still appears to have been a weak prince, and unfit for government, less for want of natural parts and capacity, than of solid judgment and a good education. He was violent in his temper, profuse in his expense, fond of idle show and magnificence, devoted to favourites, and addicted to pleasure; passions, all of them, the most inconsistent with a prudent economy, and consequently dangerous in a limited and mixed government. Had he possessed the talents of gaining, and still more those of overawing, his great barons, he might have escaped all the misfortunes of his reign, and been allowed to carry much farther his oppressions over the people, if he really was guilty of any, without their daring to rebel, or even to murmur against him. But when the grantees were tempted, by his want of prudence and of vigour, to resist his authority, and execute the most violent enterprises upon him, he was naturally led to seek an opportunity of retaliation, justice was neglected, the lives of the chief nobility were sacrificed; and all these enormities seem to have proceeded less from



a settled design of establishing arbitrary power, than from the insolence of victory, and the necessities of the king's situation. The manners indeed of the age were the chief source of such violence; laws, which were feebly executed in peaceable times, lost all their authority during public convulsions; both parties were alike guilty; or if any difference may be remarked between them, we shall find that the authority of the crown, being more legal, was commonly carried, when it prevailed, to less desperate extremities than was that of the aristocracy.

On comparing the conduct and events of this reign with those of the preceding, we shall find equal reason to admire Edward, and to blame Richard, but the circumstance of opposition, surely, will not lie in the strict regard paid by the former to national privileges, and the neglect of them by the latter. On the contrary, the prince of small abilities, as he felt his want of power, seems to have been more moderate in this respect than the other. Every parliament assembled during the reign of Edward, remonstrates against the exertion of some arbitrary prerogative or other: we hear not any complaints of that kind during the reign of Richard, till the assembling of his last parliament, which was summoned by his inveterate enemies, which dethroned him, which fiamed their complaints during the time of the most furious convulsions, and whose testimony must therefore have on that account, much less authority with every equitable judge<sup>1</sup>. Both these princes experienced the encroachments of the great upon their authority. Edward, reduced to necessities, was obliged to make an express bargain with his parliament, and to sell some of his prerogatives for present supply, but as they were acquainted with his genius and capacity, they ventured not to demand any exorbitant concessions, or such as were incompatible with regal and sovereign power, the weakness of Richard tempted the parliament to extort a commission, which in a manner dethroned the prince, and transferred the sceptre into the hands of the nobility. The events of these encroachments were also suitable to the character of each. Edward had no sooner gotten the supply, than he departed from the engagements which had induced the parliament to grant it; he openly told his people, that he had but dissembled with them when he seemed to make them these concessions, and he resumed and retained all his prerogatives. But Richard, because he was detected in consulting and deliberating with the judges on the lawfulness of restoring the constitution, found his barons immediately in arms against him, was deprived of his liberty; saw his favourites, his ministers, his tutor, butchered before his face, or banished and attainted, and was obliged to give way to all this violence. There cannot be a more remarkable contrast between the fortunes of two princes, it were happy for society did this contrast always depend on the justice or injustice of the measures which men embrace, and not rather on the different degrees of prudence and vigour with which those measures are supported.

There was a sensible decay of ecclesiastical authority during this period. The disgust which the laity had received from the numerous usurpations both of the court of Rome and of their own clergy, had very much weakened the kingdom from superstition; and strong

<sup>1</sup> Peruse in this view the Abridgment of the Records, by Sir R. Cotton, during these two reigns.

symptoms appeared from time to time of a general desire to shake off the bondage of the Romish church. In the committee of eighteen, to whom Richard's last parliament delegated their power, there is not the name of one ecclesiastic to be found; a neglect which is almost without example while the Catholic religion subsisted in England.<sup>1</sup>

The aversion entertained against the established church soon found principles and tenets and reasonings, by which it could justify and support itself. John Wickliffe, a secular priest, educated at Oxford, began in the latter end of Edward III. to spread the doctrine of reformation by his discourses, sermons, and writings, and he made many disciples among men of all ranks and stations. He seems to have been a man of parts and learning, and has the honour of being the first person in Europe, that publicly called in question those principles which had universally passed for certain and undisputed during so many ages. Wickliffe himself, as well as his disciples, who received the name of Wickliffites, or Lollards, was distinguished by a great austerity of life and manners; a circumstance common to almost all those who dogmatise in any new way, both because men who draw to them the attention of the public, and expose themselves to the odium of great multitudes, are obliged to be very guarded in their conduct, and because few who have a strong propensity to pleasure or business, will enter upon so difficult and laborious an undertaking. The doctrines of Wickliffe being derived from his search into the Scriptures and into ecclesiastical antiquity, were nearly the same with those which were propagated by the reformers in the sixteenth century; he only carried some of them farther than was done by the more sober part of these reformers. He denied the doctrine of the real presence, the supremacy of the church of Rome, the merit of monastic vows: he maintained, that the Scriptures were the sole rule of faith, that the church was dependent on the state, and should be reformed by it; that the clergy ought to possess no estates; that the begging friars were a nuisance, and ought not to be supported,<sup>2</sup> that the numerous ceremonies of the church were hurtful to true piety: he asserted, that oaths were unlawful, that dominion was founded in grace, that everything was subject to fate and destiny, and that all men were preordained either to eternal salvation or reprobation.<sup>3</sup> From the whole of his doctrines, Wickliffe appears to have been strongly tinctured with enthusiasm, and to have been thereby the better

<sup>1</sup> The following passage from Cotton's Abridg, p. 196, shows a strange prejudice against the Church and Churchmen. 'The commons afterward, coming into the parliament, and making their protestation, showed, that for want of good redress about the king's person, in his household, in all his courts, touching maintainers in every county, and purveyours, the commons were daily tiled, and nothing defended against the enemy, and that it should shortly deprive the king, and undo the state. Wherefore, in the same government, they entirely require redress. Whereupon the king appointed sundry bishops, lords, and nobles, to sit in privy-council about these matters. I thought, since they must begin at the head, and go at the request of the commons, they, in the presence of the king, charged his confessor not to come into the court but upon the four principal festivals.' We should little expect that a popish privy-council, in order to preserve the king's morals, should order his confessor to be kept at a distance from him. This incident happened in the minority of Richard. As the Popes had, for a long time, resided at Avignon, and the majority of the sacred college were Frenchmen, this circumstance naturally increased the aversion of the nation to the papal power. But the prejudice against the English clergy cannot be accounted for from that cause.

<sup>2</sup> Walsingham, pp. 191, 203, 283, 284, Spelman Council, vol. II, p. 630, Knyghton, p. 2657.

<sup>3</sup> Harpsfield, pp. 668, 673, 674, Waldens, tom. I, lib. 3, art. 1, cap. 8.

qualified to oppose a church whose chief characteristic is superstition.

The propagation of these principles gave great alarm to the clergy; and a bull was issued by Pope Gregory XI for taking Wickliffe into custody, and examining into the scope of his opinions.<sup>1</sup> Courteney, Bishop of London, cited him before his tribunal; but the reformer had now acquired powerful protectors, who screened him from the ecclesiastical jurisdiction. The Duke of Lancaster, who then governed the kingdom, encouraged the principles of Wickliffe; and he made no scruple, as well as Lord Piercy the mareschal, to appear openly in court with him, in order to give him countenance upon his trial, he even insisted that Wickliffe should sit in the bishop's presence while his principles were examined; Courteney exclaimed against the insult. The Londoners, thinking their prelate affronted, attacked the duke and mareschal, who escaped from their hands with some difficulty (Harnpsfield in *Hist. Wickl.*, p. 683). And the populace, soon after, broke into the houses of both these noblemen, threatened their persons, and plundered their goods. The Bishop of London had the merit of appeasing their fury and resentment.

The Duke of Lancaster, however, still continued his protection to Wickliffe during the minority of Richard, and the principles of that reformer had so propagated themselves, that, when the Pope sent to Oxford a new bull against these doctrines, the university deliberated for some time whether they should receive the bull, and they never took any vigorous measures in consequence of the papal orders.<sup>2</sup> Even the populace of London were at length brought to entertain favourable sentiments of this reformer: when he was cited before a synod at Lambeth, they broke into the assembly, and so overawed the prelates, who found both the people and the court against them, that they dismissed him without any further censure.

The clergy, we may well believe, were more wanting in power than in inclination to punish this new heresy, which struck at all their credit, possessions, and authority. But there was hitherto no law in England, by which the secular arm was authorized to support orthodoxy; and the ecclesiastics endeavoured to supply the defect by an extraordinary and unwarrantable artifice. In the year 1381, there was an act passed, requiring sheriffs to apprehend the preachers of heresy and their abettors, but this statute had been surreptitiously obtained by the clergy, and had the formality of an enrolment without the consent of the commons. In the subsequent session the lower house complained of the fraud, affirmed that they had no intention to bind themselves to the prelates farther than their ancestors had done before them; and required that the pretended statute should be repealed; which was done accordingly (Cotton's *Abridg.*, p. 285). But it is remarkable that, notwithstanding this vigilance of the commons, the clergy had so much art and influence that the repeal was suppressed; and the act, which never had any legal authority, remains to this day upon the statute book (5 Rich. II, chap. 5), though the clergy still thought proper to keep it in reserve, and not proceed to the immediate execution of it.

<sup>1</sup> *Spelm. Conc.*, vol. II, p. 621, Walsingham, pp. 201, 202, 203.

<sup>2</sup> *Wood's Ant. Oxon.*, lib. I, p. 191, etc., Walsingham, p. 201.

But besides this defect of power in the church, which saved Wickliffe, that reformer himself, notwithstanding his enthusiasm, seems not to have been actuated by the spirit of martyrdom; and in all subsequent trials before the prelates, he so explained away his doctrine by tortured meanings, as to render it quite innocent and inoffensive.<sup>1</sup> Most of his followers imitated his cautious disposition, and saved themselves either by recantations or explanations. He died of a palsy in the year 1385, at his rectory of Lutterworth, in the county of Leicester; and the clergy, mortified that he should have escaped their vengeance, took care, besides assuring the people of his eternal damnation, to represent his last distemper as a visible judgment of heaven upon him for his multiplied heresies and impieties.<sup>2</sup>

The proselytes, however, of Wickliffe's opinions still increased in England (Knyghton, p. 2663). Some monkish writers represent one half of the kingdom as infected by those principles; they were carried over to Bohemia by some youth of that nation, who studied at Oxford; but though the age seemed strongly disposed to receive them, affairs were not yet fully ripe for this great revolution; and the finishing blow to ecclesiastical power was reserved to a period of more curiosity, literature, and inclination for novelties.

Meanwhile the English parliament continued to check the clergy and the court of Rome by more sober and more legal expedients. They enacted anew the statute of provisors, and affixed higher penalties to the transgression of it, which, in some instances, was even made capital (13 Rich. II., cap 3; 16 Rich II, cap 4). The court of Rome had fallen upon a new device, which increased their authority over the prelates, the Pope, who found that the expedient of arbitrarily depriving them was violent and liable to opposition, attained the same end by transferring such of them as were obnoxious to poorer sees, and even to nominal sees, in partibus infidelium. It was thus that the Archbishop of York, and the Bishops of Durham and Chichester, the king's ministers, had been treated after the prevalence of Gloucester's faction; the Bishop of Carlisle met with the same fate after the accession of Henry IV. For the Pope always joined with the prevailing powers when they did not thwart his pretensions. The parliament, in the reign of Richard, enacted a law against this abuse; and the king made a general remonstrance to the court of Rome against all those usurpations which he calls the horrible excesses of that court (Rymer, vol vii, p. 672).

It was usual for the church, that they might elude the mortmain act, to make their votaries leave lands in trust to certain persons, under whose names the clergy enjoyed the benefit of the bequest; the parliament also stopped the progress of this abuse (Knyghton, pp. 27, 38; Cotton, p. 355). In the 17th of the king, the commons prayed that remedy might be had against such religious persons as cause their villains to marry free women inheritable, whereby the estate comes to those religious hands by collusion (Cotton, p. 355). This was a new device of the clergy.

The papacy was at this time somewhat weakened by a schism, which

<sup>1</sup> Walsingham, p. 206, Knyghton, pp. 2655, 2656.

<sup>2</sup> Walsingham, p. 312, Ypod. Neust, p. 327

lasted during forty years, and gave great scandal to the devoted partisans of the holy see. After the Pope had resided many years at Avignon, Gregory XI was persuaded to return to Rome; and upon his death, which happened in 1380, the Romans, resolute to fix for the future the seat of the papacy in Italy, besieged the cardinals in the conclave, and compelled them, though they were mostly Frenchmen, to elect Urban VI, an Italian, into that high dignity. The French cardinals, as soon as they recovered their liberty, fled from Rome, and protesting against the forced election, chose Robert, son of the Count of Geneva, who took the name of Clement VII., and resided at Avignon. All the kingdoms of Christendom, according to the several interests and inclinations, were divided between these two pontiffs. The court of France adhered to Clement, and was followed by its allies, the King of Castile and the King of Scotland; England, of course, was thrown into the other party, and declared for Urban. Thus the appellation of Clementines and Urbanists distracted Europe for several years, and each party damned the other as schismatics, and as rebels to the true vicar of Christ. But this circumstance, though it weakened the papal authority, had not so great an effect as might naturally be imagined. Though any king could easily at first make his kingdom embrace the party of one Pope or the other, or even keep it some time in suspense between them, he could not so easily transfer his obedience at pleasure, the people attached themselves to their own party, as to a religious opinion, and conceived an extreme abhorrence to the opposite party, whom they regarded as little better than Saracens or infidels. Crusades were even undertaken in this quarrel; and the zealous Bishop of Norwich in particular led over, in 1382, near 60,000 bigots into Flanders against the Clementines; but after losing a great part of his followers, he returned with disgrace into England.<sup>1</sup> Each Pope, sensible, from this prevailing spirit among the people, that the kingdom which once embraced his cause would always adhere to him, boldly maintained all the pretensions of his see, and stood not much more in awe of the temporal sovereigns than if his authority had not been endangered by a rival.

We meet with this preamble to a law enacted at the very beginning of this reign: 'Whereas divers persons of small garrison of land or other possessions do make great retinue of people, as well of esquires as of others, in many parts of the realm, giving to them hats and other livery of one suit by year, taking again towards them the value of the same livery, or peccase the double value, by such covenant and assurance, that every of them shall maintain other in all quarrels, be they reasonable or unreasonable, to the great mischief and oppression of the people, etc.' (1 Rich. II, chap. 7). This preamble contains a true picture of the state of the kingdom. The laws had been so feebly executed, even during the long, active, and vigilant reign of Edward III., that no subject could trust to their protection. Men openly associated themselves, under the patronage of some great baron, for their mutual defence. They wore public badges, by which their confederacy was distinguished. They supported each other in all quarrels, iniquities, extortions, murders, robberies, and other crimes. Their chief

<sup>1</sup> Froissard, lib. 11, chap. 133, 134, Walsingham, pp. 298, 299, 300, etc. Knyghton, p. 2671.

was more their sovereign than the king himself; and their own band was more connected with them than their country. Hence the perpetual turbulence, disorders, factions, and civil wars of those times; hence the small regard paid to a character or the opinion of the public; hence the large discretionary prerogatives of the crown, and the danger which might have ensued from the too great limitation of them. If the king had possessed no arbitrary powers, while all the nobles assumed and exercised them, there must have ensued an absolute anarchy in the state.

One great mischief attending these confederacies was the extorting from the king pardons for the most enormous crimes. The parliament often endeavoured in the last reign to deprive the prince of this prerogative; but in the present they were content with an abridgment of it. They enacted, that no pardon for rapes or for murder from malice prepense should be valid, unless the crime were particularly specified in it (13 Rich. II., chap. 1). There were also some other circumstances required for passing any pardon of this kind: an excellent law, but ill observed, like most laws that thwart the manners of the people and the prevailing customs of the times.

It is easy to observe, from these voluntary associations among the people, that the whole force of the feudal system was in a manner dissolved, and that the English had nearly returned, in that particular, to the same situation in which they stood before the Norman conquest. It was, indeed, impossible that that system could long subsist under the perpetual revolutions to which landed property is everywhere subject. When the great feudal baronies were first erected, the lord lived in opulence in the midst of his vassals, he was in a situation to protect and cherish and defend them; the quality of patron naturally united itself to that of superior; and these two principles of authority mutually supported each other. But when, by the various divisions and mixtures of property, a man's superior came to live at a distance from him, and could no longer give him shelter or countenance, the tie gradually became more fictitious than real; new connections from vicinity or other causes were formed; protection was sought by voluntary services and attachment; the appearance of valour, spirit, abilities in any great man, extended his interest very far; and if the sovereign were deficient in these qualities, he was more exposed to the usurpations of the aristocracy than ever during the vigour of the feudal system.

The greatest novelty introduced into the civil government during this reign was the creation of peers by patent. Lord Beauchamp of Holt was the first peer that was advanced to the House of Lords in this manner. The practice of levying benevolences is also first mentioned in the present reign.

This prince lived in a more magnificent manner than perhaps any of his predecessors or successors. His household consisted of 10,000 persons: he had 300 in his kitchen; and all the other offices were furnished in proportion.<sup>1</sup> It must be remarked, that this enormous train had tables supplied them at the king's expense, according to the mode of that age. Such prodigality was probably the source of many exactions by purveyors, and was one chief reason of the public discontents.

<sup>1</sup> Harding: this poet says, that he speaks from the authority of a clerk of the green cloth.

CHAPTER XVIII.

HENRY IV.

*Title of the king.—Insurrection in England—in Wales.—The Earl of Northumberland rebels.—Battle of Shrewsbury.—State of Scotland.—Parliamentary transactions.—Death and character of the king.*

THE English had so long been familiarised to the hereditary succession of their monarchs, the instances of departure from it had always borne such strong symptoms of injustice and violence, and so little of a national choice or election, and the returns to the true line had ever been deemed such fortunate incidents in their history, that Henry was afraid lest, in resting his title on the consent of the people, he should build on a foundation to which the people themselves were not accustomed, and whose solidity they would with difficulty be brought to recognise. The idea too of choice seemed always to imply that of conditions, and a right of recalling the consent upon any supposed violation of them; an idea which was not naturally agreeable to a sovereign, and might, in England, be dangerous to the subjects, who, lying so much under the influence of turbulent nobles, had ever paid but an imperfect obedience even to their hereditary princes. For these reasons, Henry was determined never to have recourse to this claim, the only one on which his authority could consistently stand. He rather chose to patch up his title in the best manner he could from other pretensions; and, in the end, he left himself, in the eyes of men of sense, no ground of right but his present possession; a very precarious foundation, which, by its very nature, was liable to be overthrown by every faction of the great, or prejudice of the people. He had indeed a present advantage over his competitor. The heir of the house of Mortimer, who had been declared, in parliament, heir to the crown, was a boy of seven years of age (Dugdale, vol. 1, p. 151). His friends consulted his safety, by keeping silence with regard to his title. Henry detained him and his younger brother in an honourable custody at Windsor Castle. But he had reason to dread, that in proportion as that nobleman grew to man's estate, he would draw to him the attachment of the people, and make them reflect on the fraud, violence, and injustice, by which he had been excluded from the throne. Many favourable topics would occur in his behalf, he was a native of England, possessed an extensive interest from the greatness and alliances of his family; however criminal the deposed monarch, this youth was entirely innocent, he was of the same religion, and educated in the same manners with the people, and could not be governed by any separate interest. These views would all concur to favour his claim, and though the abilities of Henry IV might ward off any dangerous revolution, it was justly to be apprehended, that his authority could with difficulty be brought to equal that of his predecessors.

Henry, in his very first parliament, had reason to see the danger attending that station which he had assumed, and the obstacles which he would meet with in governing an unruly aristocracy, always divided

by faction, and at present inflamed with the resentments consequent on such recent convulsions. The peers on their assembling, broke out into violent animosities against each other; forty gauntlets, the pledges of furious battle, were thrown on the floor of the house by noblemen who gave mutual challenges, and 'liar' and 'traitor' resounded from all quarters. The king had so much authority with these doughty champions, as to prevent all the combats which they threatened; but he was not able to bring them to a proper composure, or to an amicable disposition towards each other.

It was not long before these passions broke into action (A.D. 1400). The Earls of Rutland, Kent, and Huntingdon, and Lord Spencer, who were now degraded from the respective titles of Albemarle, Surrey, Exeter, and Gloucester, conferred on them by Richard, entered into a conspiracy, together with the Earl of Salisbury and Lord Lumley, for raising an insurrection, and for seizing the king's person at Windsor,<sup>1</sup> but the treachery of Rutland gave him warning of the danger. He suddenly withdrew to London, and the conspirators, who came to Windsor with a body of 500 horse, found that they had missed this blow, on which all the success of their enterprise depended. Henry appeared next day at Kingston-upon-Thames, at the head of 20,000 men, mostly drawn from the city; and his enemies, unable to resist his power, dispersed themselves, with a view of raising their followers in the several counties which were the seat of their interest. But the adherents of the king were hot in the pursuit, and everywhere opposed themselves to their progress. The Earls of Kent and Salisbury were seized at Cirencester by the citizens; and were next day beheaded without farther ceremony, according to the custom of the times.<sup>2</sup> The citizens of Bristol treated Spencer and Lumley in the same manner. The Earl of Huntingdon, Sir Thomas Blount, and Sir Benedict Sely, who were also taken prisoners, suffered death, with many others of the conspirators, by orders from Henry. And when the quarters of these unhappy men were brought to London, no less than eighteen bishops and thirty-two mitred abbots joined the populace, and met them with the most indecent marks of joy and exultation.

But the spectacle, the most shocking to every one who retained any sentiment either of honour or humanity, still remained. The Earl of Rutland appeared, carrying on a pole the head of Lord Spencer, his brother-in-law, which he presented in triumph to Henry as a testimony of his loyalty. This infamous man, who was soon after Duke of York by the death of his father, and first prince of the blood, had been instrumental in the murder of his uncle, the Duke of Gloucester (Dugdale, vol. 11, p. 171); had then deserted Richard, by whom he was trusted; had conspired against the life of Henry, to whom he had sworn allegiance; had betrayed his associates, whom he had seduced into this enterprise, and now displayed, in the face of the world, these badges of his multiplied dishonour.

Henry was sensible, that though the execution of these conspirators might seem to give security to his throne, the animosities, which remain after such bloody scenes, are always dangerous to royal authority; and

<sup>1</sup> Walsingham, p. 362, Otterbourne, p. 224.

<sup>2</sup> Walsingham, p. 363, Ypod. Neust., p. 556.



he therefore determined not to increase, by any hazardous enterprise, those numerous enemies with whom he was everywhere environed. While a subject, he was believed to have strongly imbibed all the principles of his father, the Duke of Lancaster, and to have adopted the prejudices which the Lollards inspired against the abuses of the established church. But, finding himself possessed of the throne by so precarious a title, he thought superstition a necessary implement of public authority; and he resolved, by every expedient, to pay court to the clergy. There were hitherto no penal laws enacted against heresy; an indulgence which had proceeded, not from a spirit of toleration in the Romish church, but from the ignorance and simplicity of the people, which had rendered them unfit either for starting or receiving any new or curious doctrines, and which needed not to be restrained by rigorous penalties. But when the learning and genius of Wickliffe had once broken, in some measure, the fetters of prejudice, the ecclesiastics called aloud for the punishment of his disciples, and the king, who was very little scrupulous in his conduct, was easily induced to sacrifice his principles to his interest, and to acquire the favour of the church by that most effectual method, the gratifying of their vengeance against opponents. He engaged the parliament to pass a law for that purpose. It was (A.D. 1401) enacted, that when any heretic, who relapsed or refused to abjure his opinions, was delivered over to the secular arm by the bishop or his commissaries, he should be committed to the flames by the civil magistrate before the whole people (2 Henry IV., chap. 7). This weapon did not long remain unemployed in the hands of the clergy. William Sautré, rector of St. Osithes, in London, had been condemned by the convocation of Canterbury; his sentence was ratified by the house of peers, the king issued his writ for the execution (Rymer, vol. viii., p. 178), and the unhappy man atoned for his erroneous opinions by the penalty of fire. This is the first instance of that kind in England, and thus one horror more was added to those dismal scenes which were already but too familiar to the people.

But the utmost precaution and prudence of Henry could not shield him from those numerous inquietudes which assailed him from every quarter. The connections of Richard with the royal family of France made that court exert its activity to recover his authority, or revenge his death (Ibid., vol. viii., p. 123); but though the confusions in England tempted the French to engage in some enterprise by which they might distress their ancient enemy, the greater confusions which they experienced at home obliged them quickly to accommodate matters; and Charles, content with recovering his daughter from Henry's hands, laid aside his preparations, and renewed the truce between the kingdoms (Ibid., vol. viii., pp. 141, 152, 219). The attack of Guenne was also an inviting attempt, which the present factions that prevailed among the French obliged them to neglect. The Gascons, affectionate to the memory of Richard, who was born among them, refused to swear allegiance to a prince that had dethroned and murdered him; and the appearance of a French army on their frontiers would probably have tempted them to change masters (Ibid., vol. viii., pp. 110, 111). But the Earl of Worcester, arriving with some English troops, gave countenance to the partisans of Henry and overawed their opponents.

\* Religion too was here found a cement to their union with England. The Gascons had been engaged, by Richard's authority, to acknowledge the Pope of Rome, and they were sensible that, if they submitted to France, it would be necessary for them to pay obedience to the Pope of Avignon, whom they had been taught to detest as a schismatic. Their principles on this head were too fast rooted to admit of any sudden or violent alteration.

The revolution in England proved likewise the occasion of an insurrection in Wales. Owen Glendower, or Glendowerduy, descended from the ancient princes of that country, had become obnoxious on account of his attachment to Richard; and Reginald, Lord Gray of Ruthyn, who was closely connected with the new king, and who enjoyed a great fortune in the marches of Wales, thought the opportunity favourable for oppressing his neighbour and taking possession of his estate (*Vita Ric. Sec.*, pp. 171, 172). Glendower, provoked at the injustice, and still more at the indignity, recovered possession by the sword (*Walsingham*, p. 364). Henry sent assistance to Gray (*Vita Ric. Sec.*, pp. 172, 173); the Welsh took part with Glendower, a troublesome and tedious war was kindled, which Glendower long sustained by his valour and activity, aided by the natural strength of the country and the untamed spirit of its inhabitants.

As Glendower committed devastations promiscuously on all the English, he infested the estate of the Earl of Marche; and Sir Edmund Mortimer, uncle to that nobleman, led out the retainers of the family, and gave battle to the Welsh chieftain; his troops were routed, and he was taken prisoner (*Dugdale*, vol. 1., p. 150); at the same time, the earl himself, who had been allowed to retire to his castle of Wigmore, and who, though a mere boy, took the field with his followers, fell also into Glendower's hands, and was carried by him into Wales (*Ibid.*, vol. 1., p. 151). As Henry dreaded and hated all the family of Marche, he allowed the earl to remain in captivity; and though that young nobleman was nearly allied to the Piercies, to whose assistance he himself had owed his crown, he refused to the Earl of Northumberland permission to treat of his ransom with Glendower.

The uncertainty in which Henry's affairs stood during a long time with France, as well as the confusions incident to all great changes in government, tempted the Scots to make incursions into England, and Henry, desirous of taking revenge upon them, but afraid of rendering his new government unpopular by requiring great supplies from his subjects, summoned at Westminster a council of the peers, without the commons, and laid before them the state of his affairs (*Rymer*, vol. viii., pp. 125, 126). The military part of the feudal constitution was now much decayed, there remained only so much of that fabric as affected the civil rights and properties of men; and the peers here undertook, but voluntarily, to attend the king in an expedition against Scotland, each of them at the head of a certain number of his retainers (*Ibid.*, p. 125). Henry conducted this army to Edinburgh, of which he easily made himself master; and he therefore summoned Robert III. to do homage to him for his crown (*Ibid.*, pp. 155, 156, etc.). But finding that the Scots would neither submit nor give him battle, he returned in three weeks, after making this useless bravado; and he disbanded his army.

In the subsequent season (A.D. 1402), Archibald, Earl of Douglas, at the head of 12,000 men, and attended by many of the principal nobility of Scotland, made an irruption into England, and committed devastations on the northern counties. On his return home, he was overtaken by the Percies at Homeldon, on the borders of England, and a fierce battle ensued, where the Scots were totally routed. Douglas himself was taken prisoner; as was Mordac, Earl of Fife, son of the Duke of Albany, and nephew of the Scottish king, with the Earls of Angus, Murray, and Orkney, and many others of the gentry and nobility.<sup>1</sup> When Henry received intelligence of this victory, he sent the Earl of Northumberland orders not to ransom his prisoners, which that nobleman regarded as his right by the laws of war received in that age. The king intended to detain them, that he might be able, by their means, to make an advantageous peace with Scotland, but by this policy he gave a fresh disgust to the family of Percy.

The obligations which Henry had owed to Northumberland were of a kind the most likely to produce ingratitude on the one side, and discontent on the other. The sovereign naturally became jealous of that power which had advanced him to the throne, and the subject was not easily satisfied in the returns which he thought so great a favour had merited. Though Henry, on his accession, had bestowed the office of constable on Northumberland for life (Rymel, vol. viii., p. 89), and conferred other gifts on that family, these favours were regarded as their due; the refusal of any other request was deemed an injury. The impatient spirit of Harry Percy, and the factious disposition of the Earl of Worcester, younger brother of Northumberland, inflamed the discontents of that nobleman, and the precarious title of Henry tempted him to seek revenge, by overturning that throne which he had at first established. He entered (A.D. 1403) into a correspondence with Glendower, he gave liberty to the Earl of Douglas, and made an alliance with that martial chief, he roused up all his partisans to arms, and such unlimited authority at that time belonged to the great families, that the same men whom, a few years before, he had conducted against Richard, now followed his standard in opposition to Henry. When war was ready to break out, Northumberland was seized with a sudden illness at Berwick, and young Percy, taking the command of the troops, marched towards Shrewsbury, in order to join his forces with those of Glendower. The king had happily a small army on foot, with which he had intended to act against the Scots; and knowing the importance of celerity in all civil wars, he instantly hurried down, that he might give battle to the rebels. He approached Percy near Shrewsbury, before that nobleman was joined by Owen Glendower, and the policy of one leader, and impatience of the other, made them hasten to a general engagement.

The evening before the battle, Percy sent a manifesto to Henry, in which he renounced his allegiance, set that prince at defiance, and, in the name of his father and uncle, as well as his own, enumerated all the grievances of which, he pretended, the nation had reason to complain. He upbraided him with the perjury of which he had been guilty, when, on landing at Ravenspur, he had sworn upon the gospels, before

<sup>1</sup> Walsingham, p. 366, Vita Ric. Sec., p. 180, Chron. Otterbourne, p. 237.

the Earl of Northumberland, that he had no other intention than to recover the duchy of Lancaster, and that he would ever remain a faithful subject to King Richard. He aggravated his guilt in first dethroning, then murdering that prince, and in usurping on the title of the house of Mortimer, to whom, both by lineal succession, and by declarations of parliament, the throne, when vacant by Richard's demise, did of right belong. He complained of his cruel policy in allowing the young Earl of Marche, whom he ought to regard as his sovereign, to remain a captive in the hands of his enemies, and in even refusing to all his friends permission to treat of his ransom. He charged him again with perjury in loading the nation with heavy taxes, after having sworn, that, without the utmost necessity, he would never levy any impositions upon them. And he reproached with the arts employed in procuring favourable elections into parliament; arts which he himself had before imputed as a crime to Richard, and which he had made one chief reason of that prince's arraignment and deposition (Hall, fol. 21, 22, etc.). This manifesto was well calculated to inflame the quarrel between the parties; the bravery of the two leaders promised an obstinate engagement; and the equality of the armies, being each about 12,000 men, a number which was not unmanageable by the commanders, gave reason to expect a great effusion of blood on both sides and a very doubtful issue to the combat.

We shall scarcely find any battle (July 21) in those ages where the shock was more terrible and more constant. Henry exposed his person in the thickest of the fight, his gallant son, whose military achievements were afterwards so renowned, and who here performed his noviciate in arms, signalised himself on his father's footsteps, and even a wound, which he received in the face with an arrow, could not oblige him to quit the field (T. LIVII, p. 3). Percy supported that fame which he had acquired in many a bloody combat; and Douglas, his ancient enemy, and now his friend, still appeared his rival, amidst the horror and confusion of the day. This nobleman performed feats of valour which are almost incredible; he seemed determined that the King of England should that day fall by his arm; he sought him all over the field of battle; and as Henry, either to elude the attacks of the enemy upon his person, or to encourage his own men by the belief of his presence everywhere, had accoutred several captains in the royal garb, the sword of Douglas rendered this honour fatal to many (Walsingham, pp. 366, 367; Hall, fol. 22). But while the armies were contending in this furious manner, the death of Percy, by an unknown hand, decided the victory, and the royalists prevailed. There are said to have fallen that day on both sides near 2300 gentlemen, but the persons of greatest distinction were on the king's; the Earl of Stafford, Sir Hugh Shirley, Sir Nicholas Gausel, Sir Hugh Mortimer, Sir John Massey, Sir John Calverly. About 6000 private men perished, of whom two thirds were of Percy's army (Chron. Otterbourne, p. 224, Ypod Neust, p. 560). The Earls of Worcester and Douglas were taken prisoners; the former was beheaded at Shrewsbury; the latter was treated with the courtesy due to his rank and merit.

The Earl of Northumberland, having recovered from his sickness, had levied a fresh army, and was on his march to join his son; but

being opposed by the Earl of Westmoreland, and hearing of the defeat at Shrewsbury, he dismissed his forces, and came with a small retinue to the king at York (*Chron Otterbourne*, p 225). He pretended that his sole intention in aiming was to mediate between the parties; Henry thought proper to accept of the apology, and even granted him a pardon for his offence, all the other rebels were treated with equal lenity, and, except the Earl of Worcester and Sir Richard Vernon, who were regarded as the chief authors of the insurrection, no person engaged in this dangerous enterprise seems to have perished by the hands of the executioner (*Rymer*, vol viii, p. 353).

But Northumberland, though he had been pardoned, knew that he never should be trusted, and that he was too powerful to be cordially forgiven by a prince whose situation gave him such reasonable grounds of jealousy. It was the effect either of Henry's vigilance or good fortune, or of the narrow genius of his enemies, that no proper concert was ever formed among them, they rose in rebellion one after another, and thereby afforded him an opportunity of suppressing singly those insurrections, which, had they been united, might have proved fatal to his authority. The Earl of Nottingham, son of the Duke of Norfolk, and the Archbishop of York, brother to the Earl of Wiltshire, whom Henry, then Duke of Lancaster, had beheaded at Bristol, though they had remained quiet while Percy was in the field, still harboured in their breast a violent hatred against the enemy of their families; and they determined, in conjunction with the Earl of Northumberland, to seek revenge against him. They betook themselves to arms before that powerful nobleman was prepared to join them; and publishing a manifesto, in which they reproached Henry with his usurpation of the crown, and the murder of the late king, they required that the right line should be restored, and all public grievances be redressed. The Earl of Westmoreland, whose power lay in the neighbourhood, approached them with an inferior force at Shipton, near York, and being afraid to hazard an action, he attempted to subdue them by a stratagem, which nothing but the greatest folly and simplicity on their part could have rendered successful. He desired a conference with the Archbishop and Earl between the armies, he heard their grievances with great patience, he begged them to propose the remedies; he approved of every expedient which they suggested, he granted them all their demands, he also engaged that Henry should give them entire satisfaction, and when he saw them pleased with the facility of his concessions, he observed to them, that since amity was now, in effect, restored between them, it were better on both sides to dismiss their forces, which otherwise would prove an insupportable burden to the country. The Archbishop and the Earl of Nottingham immediately gave directions to that purpose; their troops disbanded upon the field, but Westmoreland, who had secretly issued contrary orders to his army, seized the two rebels without resistance, and carried them to the king, who was advancing with hasty marches to suppress the insurrection (*Walsingham*, p. 373, *Otterbourne*, p 255). The trial and punishment of an archbishop might have proved a troublesome and dangerous undertaking, had Henry proceeded regularly, and allowed time for an opposition to form itself against that unusual measure; the celerity

of the execution alone could render it safe and prudent. Finding that Sir William Gascoigne, the chief justice, made some scruple of acting on this occasion, he appointed Sir William Fulthorpe for judge; who, without any indictment, trial, or defence, pronounced sentence of death upon the prelate, which was presently executed. This was the first instance in England of a capital punishment inflicted on a bishop; whence the clergy of that rank might learn that their crimes, more than those of laics, were not to pass with impunity. The Earl of Nottingham was condemned and executed in the same summary manner; but though many other persons of condition, such as Lord Falconberg, Sir Ralph Hastings, Sir John Colville, were engaged in this rebellion, no others seem to have fallen victims to Henry's severity.

The Earl of Northumberland, on receiving this intelligence, fled into Scotland, together with Lord Bardolf (Walsingham, p. 374), and the king, without opposition, reduced all the castles and fortresses belonging to these noblemen. He thence turned his arms against Glendower, over whom his son, the Prince of Wales, had obtained some advantages; but that enemy, more troublesome than dangerous, still found means of defending himself in his fastnesses, and of eluding, though not resisting, all the force of England. In a subsequent season (A. D. 1407), the Earl of Northumberland and Lord Bardolf, impatient of their exile, entered the north, in hopes of raising the people to arms; but found the country in such a posture as rendered all their attempts unsuccessful. Sir Thomas Rokesby, sheriff of Yorkshire, levied some forces, attacked the invaders at Biamham, and gained a victory, in which both Northumberland and Bardolf were slain (Ibid., p. 377; Chron. Otterb., p. 261). This prosperous event, joined to the death of Glendower, which happened soon after, freed Henry from all his domestic enemies; and this prince, who had mounted the throne by such unjustifiable means, and held it by such an exceptionable title, had yet, by his valour, prudence, and address, accustomed the people to the yoke, and had obtained a greater ascendant over his haughty barons than the law alone, not supported by these active qualities, was ever able to confer.

About the same time, fortune gave Henry an advantage over that neighbour who, by his situation, was most enabled to disturb his government. Robert III., King of Scots, was a prince, though of slender capacity, extremely innocent and inoffensive in his conduct, but Scotland at that time, was still less fitted than England for cherishing, or even enduring, sovereigns of that character. The Duke of Albany, Robert's brother, a prince of more abilities, at least of a more boisterous and violent disposition, had assumed the government of the state; and not satisfied with present authority, he entertained the criminal purpose of extirpating his brother's children, and of acquiring the crown to his own family. He threw in prison David, his eldest nephew, who there perished by hunger, James alone, the younger brother of David, stood between that tyrant and the throne; and King Robert, sensible of his son's danger, embarked him on board a ship, with a view of sending him to France, and entrusting him to the protection of that friendly power. Unfortunately, the vessel was taken by the English; Prince James, a boy about nine years of age, was carried to London; and though there subsisted at that time a truce between the kingdoms,

Henry refused to restore the young prince to his liberty. Robert, worn out with cares and infirmities, was unable to bear the shock of this last misfortune, and he soon after died, leaving the government in the hands of the Duke of Albany (Buchanan, lib 10). Henry was now more sensible than ever of the importance of the acquisition which he had made, while he retained such a pledge, he was sure of keeping the Duke of Albany in dependence, or, if offended, he could easily, by restoring the true heir, take ample revenge upon the usurper. But though the king, by detaining James in the English court, had shown himself somewhat deficient in generosity, he made ample amends by giving that prince an excellent education, which afterwards qualified him, when he mounted the throne, to reform, in some measure, the rude and barbarous manners of his native country.

The hostile dispositions which of late had prevailed between France and England were restrained, during the greater part of this reign, from appearing in action. The jealousies and civil commotions with which both nations were disturbed kept each of them from taking advantage of the unhappy situation of its neighbour. But as the abilities and good fortune of Henry had sooner been able to compose the English factions, this prince began in the later part of his reign, to look abroad, and to foment the animosities between the families of Burgundy and Orleans, by which the government of France was, during that period, so much distracted. He knew that one great source of the national discontent against his predecessor was the inactivity of his reign; and he hoped by giving a new direction to the restless and unquiet spirit of his people, to prevent their breaking out in domestic wars and disorders. That he might unite policy with force, he (A.D. 1411) first entered into treaty with the Duke of Burgundy, and sent that prince a small body of troops, which supported him against his enemies (Walsingham, p. 380). Soon after, he hearkened to more advantageous proposals made him by the Duke of Orleans, and (A.D. 1412) dispatched a greater body to support that party (Rymer, vol. viii, pp. 715, 738). But the leaders of the opposite factions having made temporary accommodation, the interests of the English were sacrificed, and this effort of Henry proved, in the issue, entirely vain and fruitless. The declining state of his health, and the shortness of his reign, prevented him from renewing the attempt, which his more fortunate son carried to so great a length against the French monarchy.

Such were the military and foreign transactions of this reign; the civil and parliamentary are somewhat more memorable and more worthy of our attention. During the two last reigns, the elections of the commons had appeared a circumstance of government not to be neglected, and Richard was even accused of using unwarrantable methods for procuring to his partisans a seat in that house. This practice formed one considerable article of charge against him in his deposition, yet Henry scrupled not to tread in his footsteps and to encourage the same abuses in elections. Laws were enacted against such undue influence, and even a sheriff was punished for an iniquitous return which he had made (Cotton, p. 429). But laws were commonly at that time very ill executed, and the liberties of the people, such as they were, stood on a surer basis than on laws and parliamentary elections. Though the

House of Commons was little able to withstand the violent currents which perpetually ran between the monarchy and the aristocracy, and though that house might easily be brought at a particular time to make the most unwarrantable concessions to either, the general institutions of the state still remained invariable, the interests of the several members continued on the same footing; the sword was in the hands of the subject; and the government, though thrown into temporary disorder, soon settled itself on its ancient foundations.

During the greater part of this reign the king was obliged to court popularity, and the House of Commons, sensible of their own importance, began to assume powers which had not usually been exercised by their predecessors. In the first year of Henry they procured a law that no judge, in concurring with any iniquitous measure, should be excused by pleading the orders of the king or even the danger of his own life from the menaces of the sovereign (Cotton, p. 364). In the second year they insisted on maintaining the practice of not granting any supply before they received an answer to their petitions, which was a tacit manner of bargaining with the prince (Ibid, p. 406). In the fifth year they desired the king to remove from his household four persons who had displeased them, among whom was his own confessor; and Henry, though he told them that he knew of no offence which these men had committed, yet in order to gratify them complied with their request (Ibid, p. 426). In the sixth year they voted the king supplies, but appointed treasurers of their own to see the money disbursed for the purposes intended, and required them to deliver in their accounts to the House (Ibid, p. 438). In the eighth year they proposed, for the regulation of the government and household, thirty important articles, which were all agreed to; and they even obliged all the members of council, all the judges, and all the officers of the household, to swear to the observance of them (Ibid., pp. 456, 457). The abridger of the records remarks the unusual liberties taken by the Speaker and the House during this period (Ibid, p. 462). But the great authority of the Commons was but a temporary advantage arising from the present situation. In a subsequent parliament, when the speaker made his customary application to the throne for liberty of speech, the king having now overcome all his domestic difficulties, plainly told him that he would have no novelties introduced, and would enjoy his prerogatives. But on the whole, the limitations of the government seem to have been more sensibly felt and more carefully maintained by Henry than by any of his predecessors.

During this reign, when the House of Commons were at any time brought to make unwary concessions to the crown, they also showed their freedom by a speedy retraction of them. Henry, though he entertained a perpetual and well-grounded jealousy of the family of Mortimer, allowed not their name to be once mentioned in parliament; and as none of the rebels had ventured to declare the Earl of Marche king, he never attempted to procure, what would not have been refused him, an express declaration against the claim of that nobleman, because he knew that such a declaration in the present circumstances would have no authority, and would only serve to revive the memory of Mortimer's title in the minds of the people. He proceeded in his purpose after a



more artful and covert manner. He procured a settlement of the crown on himself and his heirs-male (Cotton, p. 454), thereby tacitly excluding the females, and transferring the Salic law into the English government. He thought that though the House of Plantagenet had at first derived their title from a female, this was a remote event unknown to the generality of the people, and if he could once accustom them to the practice of excluding women, the title of the Earl of Marche would gradually be forgotten and neglected by them. But he was very unfortunate in this attempt. During the long contests with France, the injustice of the Salic law had been so much exclaimed against by the nation that a contrary principle had taken deep root in the minds of men, and it was now become impossible to eradicate it. The same House of Commons therefore, in a subsequent session, apprehensive that they had overturned the foundations of the English government, and that they had opened the door to more civil wars than might ensue even from the irregular elevation of the House of Lancaster, applied with such earnestness for a new settlement of the crown, that Henry yielded to their request and agreed to the succession of the princesses of his family (Rymer, vol. viii, p. 462). A certain proof that nobody was in his heart satisfied with the king's title to the crown, or knew on what principle to rest it.

But though the commons during this reign showed a laudable zeal for liberty in their transactions with the crown, their efforts against the Church were still more extraordinary, and seemed to anticipate very much the spirit which became so general in little more than a century afterwards. I know that the credit of these passages rests entirely on one ancient historian (Walsingham), but that historian was contemporary, was a clergyman, and it was contrary to the interests of his order to preserve the memory of such transactions, much more to forge precedents which posterity might sometime be tempted to imitate. This is a truth so evident that the most likely way of accounting for the silence of the records on this head is by supposing that the authority of some churchmen was so great as to procure a rasure, with regard to these circumstances, which the indiscretion of one of that order has happily preserved to us.

In the sixth of Henry, the commons, who had been required to grant supplies, proposed in plain terms to the king that he should seize all the temporalities of the Church and employ them as a perpetual fund to serve the exigencies of the state. They insisted that the clergy possessed a third of the lands of the kingdom; that they contributed nothing to the public burdens; and that their riches tended only to disqualify them from performing their ministerial functions with proper zeal and attention. When this address was presented, the Archbishop of Canterbury, who then attended the king, objected that the clergy, though they went not in person to the wars, sent their vassals and tenants in all cases of necessity; while at the same time they themselves who stayed at home were employed night and day in offering up their prayers for the happiness and prosperity of the state. The speaker smiled and answered without reserve that he thought the prayers of the Church but a very slender supply. The archbishop however prevailed in the dispute; the king discouraged the application of the commons;

and the lords rejected the bill which the Lower House had framed for stripping the Church of her revenues (Walsingham, p. 371; Ypod. Neust., p. 563).

The commons were not discouraged by this repulse. In the eleventh of the king they returned to the charge with more zeal than before. They made a calculation of all the ecclesiastical revenues which by their account amounted to 485,000 marks a year, and contained 18,400 ploughs of land. They proposed to divide this property among fifteen new earls, 1500 knights, 6000 esquires, and a hundred hospitals, besides 20,000*l.* a year which the king might take for his own use, and they insisted that the clerical functions would be better performed than at present by 15,000 parish priests paid at the rate of seven marks apiece of yearly stipend (Walsingham, p. 379; Tit. Livius). This application was accompanied with an address for mitigating the statutes enacted against the Lollards, which shows from what source the address came. The king gave the commons a severe reply, and further to satisfy the Church and to prove that he was quite in earnest, he ordered a Lollard to be burned before the dissolution of the parliament (Rymer, vol. viii., p. 627; Otterbourne, p. 267).

We have now related almost all the memorable transactions of this reign, which was busy and active, but produced few events that deserve to be transmitted to posterity. The king was so much employed in defending his crown, which he had obtained by unwarrantable means and possessed by a bad title, that he had little leisure to look abroad or perform any action which might redound to the honour or advantage of the nation. His health declined some months before his death, he was subject to fits, which bereaved him for the time of his senses, and though he was yet in the flower of his age, his end was visibly approaching. He expired (March 20) at Westminster, in the forty-sixth year of his age and the thirteenth of his reign.

The great popularity which Henry enjoyed before he attained the crown, and which had so much aided him in the acquisition of it, was entirely lost many years before the end of his reign; and he governed his people more by terror than by affection, more by his own policy than by their sense of duty or allegiance. When men came to reflect in cool blood on the crimes which had led him to the throne, the rebellion against his prince, the deposition of a lawful king, guilty sometimes perhaps of oppression, but more frequently of indiscretion; the exclusion of the true heir, the murder of his sovereign and near relation; these were such enormities as drew on him the hatred of his subjects, sanctified all the rebellions against him, and made the executions, though not remarkably severe, which he found necessary for the maintenance of his authority, appear cruel as well as iniquitous to the people. Yet without pretending to apologise for these crimes, which must ever be held in detestation, it may be remarked that he was insensibly led into this blameable conduct by a train of incidents which few men possess virtue enough to withstand. The injustice with which his predecessor had treated him in first condemning him to banishment, then despoiling him of his patrimony, made him naturally think of revenge and of recovering his lost rights, the headlong zeal of the people hurried him into the throne; the care of his own security as

well as his ambition made him an usurper; and the steps have always been so few between the prisons of princes and their graves, that we need not wonder that Richard's fate was no exception to the general rule. All these considerations made Henry's situation, if he retained any sense of virtue, much to be lamented, and the inquietude with which he possessed his envied greatness, and the remorse by which it is said he was continually haunted, render him an object of our pity even when seated upon the throne. But it must be owned that his prudence and vigilance and foresight in maintaining his power were admirable; his command of temper remarkable, his courage, both military and political, without blemish, and he possessed many qualities which fitted him for his high station, and which rendered his usurpation of it, though pernicious in after-times, rather salutary during his own reign to the English nation.

Henry was twice married, by his first wife, Mary de Bohun, daughter and co-heir of the Earl of Hereford, he had four sons, Henry, his successor in the throne, Thomas, Duke of Clarence, John, Duke of Bedford, and Humphrey, Duke of Gloucester; and two daughters, Blanche and Philippa, the former married to the Duke of Bavaria, the latter to the King of Denmark. His second wife, Jane, whom he married after he was king, was daughter of the King of Navarre, and widow of the Duke of Brittany, brought him no issue.

By an act of the fifth of this reign, it is made felony to cut out any persons tongue, or put out his eyes; crimes which, the act says, were very frequent. This savage spirit of revenge denotes a barbarous people; though perhaps it was increased by the prevailing factions and civil commotions.

Commerce was very little understood in this reign, as in all the preceding. In particular, a great jealousy prevailed against merchant strangers, and many restraints were by law imposed upon them; namely, that they should lay out in English manufactures or commodities all the money acquired by the sale of their goods; that they should not buy or sell with one another, and that all their goods should be disposed of three months after importation (4 Hen. IV., cap. 15, and 5 Hen. IV., cap. 9). This last clause was found so inconvenient, that it was soon after repealed by parliament.

It appears that the expense of this king's household amounted to the yearly sum of 19,500*l*. money of that age (Rymer, tom. viii., p. 610).

Guicciardin tells us, that the Flemings, in this century, learned from Italy all the refinements in arts which they taught the rest of Europe. The progress, however, of the arts was still very slow and backward in England.

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## CHAPTER XIX.

### HENRY V.

*The king's former disorders—His reformation.—The Lollards.—Punishment of Lord Cobham.—State of France—Invasion of that kingdom.—Battle of Agincourt.—State of France.—New invasion of*

584 *Accession of Henry V. ; his youthful Escapades.*

*France—Assassination of the Duke of Burgundy.—Treaty of Troye—Marriage of the king.—His death—and character.—Miscellaneous transactions during this reign.*

THE many jealousies to which Henry IV.'s situation naturally exposed him, had so infected his temper, that he had entertained unreasonable suspicions with regard to the fidelity of his eldest son; and during the latter years of his life, he had excluded that prince from all share in public business, and was even displeased to see him at the head of armies, where his martial talents, though useful to the support of government acquired him a renown, which he thought might prove dangerous to his own authority. The active spirit of young Henry, restrained from its proper exercise, broke out in extravagancies of every kind, and the riot of pleasure, the frolic of debauchery, the outrage of wine, filled the vacancies of a mind better adapted to the pursuits of ambition, and the cares of government. This course of life threw him among companions, whose disorders, if accompanied with spirit and humour, he indulged and seconded; and he was detected in many sallies, which to severer eyes appeared totally unworthy of his rank and station. There even remains a tradition, that when heated with liquor and jollity, he scrupled not to accompany his riotous associates in attacking the passengers on the streets and highways, and despoiling them of their goods, and he found an amusement in the incidents which the terror and regret of these defenceless people produced on such occasions. This extreme of dissoluteness proved equally disagreeable to his father, as that eager application to business which had at first given him occasion of jealousy; and he saw in his son's behaviour, the same neglect of decency, the same attachment to low company, which had degraded the personal character of Richard, and which more than all his errors in government, had tended to overturn his throne. But the nation in general considered the young prince with more indulgence; and observed so many gleams of generosity, spirit, and magnanimity, breaking continually through the cloud, which a wild conduct threw over his character, that they never ceased, hoping for his amendment; and they ascribed all the weeds which shot up in that rich soil, to the want of proper culture and attention in the king and his ministers. There happened an incident which encouraged these agreeable views, and gave much occasion for favourable reflections to all men of sense and candour. A riotous companion of the prince's had been indicted before Gascoigne, the chief-justice, for some disorders; and Henry was not ashamed to appear at the bar with the criminal, in order to give him countenance and protection. Finding that his presence had not overawed the chief-justice, he proceeded to insult that magistrate on his tribunal; but Gascoigne, mindful of the character which he then bore, and the majesty of the sovereign and of the laws which he sustained, ordered the prince to be carried to prison for his rude behaviour (Hall, fol 33). The spectators were agreeably disappointed when they saw the heir of the crown submit peaceably to this sentence, make reparation for his error by acknowledging it, and check his impetuous nature in the midst of its extravagant career.

The memory of this incident, and of many others of a like nature, rendered the prospect of the future reign nowise disagreeable to the nation, and increased the joy which the death of so unpopular a prince as the late king naturally occasioned. The first steps taken by the young prince confirmed all those prepossessions entertained in his favour (Walsing, p. 382). He called together his former companions, acquainted them with his intended reformation, exhorted them to imitate his example, but strictly inhibited them, till they had given proofs of their sincerity in this particular, from appealing any more in his presence, and he thus dismissed them with liberal presents<sup>1</sup>. The wise ministers of his father, who had checked his riots, found that they had unknowingly been paying the highest court to him; and were received with all the marks of favour and confidence. The chief-justice himself, who trembled to approach the royal presence, met with praises instead of reproaches for his past conduct, and was exhorted to persevere in the same rigorous and impartial execution of the laws. The surprise of those who expected an opposite behaviour, augmented their satisfaction, and the character of the young king appeared brighter than if it had never been shaded by any errors.

But Henry was anxious not only to repair his own misconduct, but also to make amends for those iniquities into which policy or the necessity of affairs had betrayed his father. He expressed the deepest sorrow for the fate of the unhappy Richard, did justice to the memory of that unfortunate prince, even performed his funeral obsequies with pomp and solemnity, and cherished all those who had distinguished themselves by their loyalty and attachment towards him.<sup>2</sup> Instead of continuing the restraints which the jealousy of his father had imposed on the Earl of Marche, he received that young nobleman with singular courtesy and favour; and by this magnanimity so gained on the gentle and unambitious nature of his competitor, that he remained ever after sincerely attached to him, and gave him no disturbance in his future government. The family of Percy was restored to its fortune and honours (Holingshed, p. 545). The king seemed ambitious to bury all party-distinctions in oblivion; the instruments of the preceding reign, who had been advanced from their blind zeal for the Lancastrian interests, more than from their merits, gave place everywhere to men of more honourable characters. Virtue seemed now to have an open career, in which it might exert itself, the exhortations, as well as example, of the prince gave it encouragement, all men were unanimous in their attachment to King Henry; and the defects of his title were forgotten amidst the personal regard which was universally paid to him.

There remained among the people only one party distinction, which was derived from religious differences, and which, as it is of a peculiar, and commonly a very obstinate nature, the popularity of Henry was not able to overcome. The Lollards were every day increasing in the kingdom, and were become a formed party, which appeared extremely dangerous to the Church, and even formidable to the civil authority (Walsingham, p. 382). The enthusiasm by which these sectaries were

<sup>1</sup> Hall, fol. 33, Holingshed, p. 543, Godwin's Life of Hen V, p. 1.

<sup>2</sup> Hist. Croyland contin.; Hall, fol. 34, Holingshed, p. 544.

generally actuated, the great alterations which they pretended to introduce, the hatred which they expressed against the established hierarchy, gave an alarm to Henry; who, either from a sincere attachment to the ancient religion, or from a dread of the unknown consequences which attend all important changes, was determined to execute the laws against such bold innovators. The head of this sect was Sir John Oldcastle, Lord Cobham, a nobleman who had distinguished himself by his valour and his military talents, and had, on many occasions, acquired the esteem both of the late and of the present king (Walsingham, p. 382). His high character and his zeal for the new sect pointed him out to Arundel, Archbishop of Canterbury, as the proper victim of ecclesiastical severity; whose punishment would strike a terror into the whole party, and teach them that they must expect no mercy under the present administration. He applied to Henry for a permission to indict Lord Cobham (Fox's Acts and Monum., p. 513); but the generous nature of the prince was averse to such sanguinary methods of conversion. He represented to the primate, that reason and conviction were the best expedients for supporting truth; that all gentle means ought first to be tried in order to reclaim men from error; and that he himself would endeavour, by a conversation with Cobham, to reconcile him to the Catholic faith. But he found that nobleman obstinate in his opinions, and determined not to sacrifice truths of such infinite moment to his complaisance for sovereigns (Rymer, vol. ix, p. 61; Walsingham, p. 383.) Henry's principles of toleration, or rather his love of the practice, could carry him no farther; and he then gave full reins to ecclesiastical severity against the inflexible heresiarch. The primate indicted Cobham, and, with the assistance of his three suffragans, the Bishops of London, Winchester, and St. David's, condemned him to the flames for his erroneous opinions. Cobham, who was confined in the Tower, made his escape before the day appointed for his execution. The bold spirit of the man, provoked by persecution, and stimulated by zeal, was urged to attempt the most criminal enterprises; and his unlimited authority over the new sect proved that he well merited the attention of the civil magistrate. He formed in his retreat very violent designs against his enemies; and despatching his emissaries to all quarters, appointed a general rendezvous of the party, in order to seize the person of the king at Eltham, and put their persecutors to the sword (Walsingham p. 385). Henry, apprised of their intention, removed to Westminster, Cobham was not discouraged by this disappointment; but changed the place of rendezvous to the field near St. Giles's; the king, having shut the gates of the city, to prevent any reinforcement to the Lollards from that quarter, came (A.D. 1414, Jan 6) into the field in the night-time, seized such of the conspirators as appeared, and afterwards laid hold of the several parties, who were hastening to the place appointed. It appeared, that a few only were in the secret of the conspiracy, the rest implicitly followed their leaders, but upon the trial of the prisoners, the treasonable designs of the sect were rendered certain, both from evidence, and from the confession of the criminals themselves<sup>1</sup>. Some were executed; the greater number

<sup>1</sup> Cotton, p. 554; Hall, fol. 35, Holingshead, p. 544

pardoned (Rymer, vol. ix, pp. 119, 129, 193) Cobham, himself, who made his escape by flight, was not brought to justice till four years after, when he was hanged as a traitor, and his body was burnt on the gibbet, in execution of the sentence pronounced against him as a heretic.<sup>1</sup> This criminal design, which was perhaps somewhat aggravated by the clergy, brought discredit upon the party, and checked the progress of that sect, which had embraced the speculative doctrines of John Wickliffe, and at the same time aspired to a reformation of ecclesiastical abuses.

These two points were the great objects of the Lollards; but the bulk of the nation was not affected in the same degree by both of them. Common sense and obvious reflection had discovered to the people the advantages of a reformation in discipline, but the age was not yet so far advanced as to be seized with the spirit of controversy, or to enter into those abstruse doctrines which the Lollards endeavoured to propagate throughout the kingdom. The very notion of heresy alarmed the genciality of the people, innovation in fundamental principles was suspicious, curiosity was not, as yet, a sufficient counterpoise to authority, and even many, who were the greatest friends to the reformation of abuses, were anxious to express their detestation of the speculative tenets of the Wickliffites, which, they feared, threw disgrace on so good a cause. This turn of thought appears evidently in the proceedings of the parliament, which was summoned immediately after the detection of Cobham's conspiracy. That assembly passed severe laws against the new heretics; they enacted, that whoever was convicted of Lollardy before the ordinary, besides suffering capital punishment according to the laws formerly established, should also forfeit his lands and goods to the king; and that the chancellor, treasurer, justices of the two benches, sheriffs, justices of the peace, and all the chief magistrates in every city and borough, should take an oath to use their utmost endeavours for the extirpation of heresy (Hen. V, chap. vii.) Yet this very parliament, when the king demanded supply, renewed the offer formerly pressed upon his father, and entreated him to seize all the ecclesiastical revenues, and convert them to the use of the crown (Hall, fol. 35). The clergy were alarmed; they could offer the king no bribe which was equivalent; they only agreed to confer on him all the priories alien, which depended on capital abbeys in Normandy, and had been bequeathed to these abbeys, when that province remained united to England; and Chicheley, now archbishop of Canterbury, endeavoured to divert the blow, by giving occupation to the king, and by persuading him to undertake a war against France, in order to recover his lost rights to that kingdom (Hall, fol. 35, 36).

It was the dying injunction of the late king to his son, not to allow the English to remain long in peace, which was apt to breed intestine commotions; but to employ them in foreign expeditions, by which the prince might acquire honour; the nobility, in sharing his dangers, might attach themselves to his person; and all the restless spirits find occupation for their inquietude. The natural disposition of Henry sufficiently inclined him to follow this advice, and the civil disorders

<sup>1</sup> Walsingham, p. 400; Otterbourne, p. 220; Holingshead, p. 561

of France, which had been prolonged beyond those of England, opened a full career to his ambition.

The death (A.D. 1415) of Charles V., which followed soon after that of Edward III., and the youth of his son, Charles VI., put the two kingdoms for some time in a similar situation; and it was not to be apprehended, that either of them, during a minority, would be able to make much advantage of the weakness of the other. The jealousies also between Charles's three uncles, the Dukes of Anjou, Berry, and Burgundy, had distracted the affairs of France rather more than those between the Dukes of Lancaster, York, and Gloucester, Richard's three uncles, disordered those of England; and had carried off the attention of the French nation from any vigorous enterprise against foreign states. But in proportion as Charles advanced in years, the factions were composed; his two uncles, the Dukes of Anjou and Burgundy, died; and the king himself, assuming the reins of government, discovered symptoms of genius and spirit, which revived the drooping hopes of his country. This promising state of affairs was not of long duration; the unhappy prince fell suddenly into a fit of frenzy, which rendered him incapable of exercising this authority; and though he recovered from this disorder, he was so subject to relapses, that his judgment was gradually, but sensibly impaired, and no steady plan of government could be pursued by him. The administration of affairs was disputed between his brother, Lewis Duke of Orleans, and his cousin-german, John Duke of Burgundy, the proximity to the crown pleaded in favour of the former; the latter, who, in right of his mother, had inherited the county of Flanders, which he annexed to his father's extensive dominions, derived a lustre from his superior power, the people were divided between these contending princes; and the king, now resuming now dropping his authority, kept the victory undecided, and prevented any regular settlement of the state by the final prevalence of either party.

At length, the Dukes of Orleans and Burgundy, seeming to be moved by the cries of the nation and by the interposition of common friends, agreed to bury all past quarrels in oblivion, and to enter into strict amity: they swore before the altar the sincerity of their friendship; the priest administered the sacrament to both of them; they gave to each other every pledge which could be deemed sacred among men; but all this solemn preparation was only a cover for the basest treachery, which was deliberately premeditated by the Duke of Burgundy. He procured his rival to be assassinated in the streets of Paris; he endeavoured for some time to conceal the part which he took in the crime, but being detected, he embraced a resolution still more criminal and more dangerous to society, by openly avowing and justifying it (*La Laboureur*, liv. xxvii., chap. 23, 24). The parliament itself of Paris, the tribunal of justice, heard the harangues of the duke's advocate in defence of assassination, which he termed tyrannicide; and that assembly, partly influenced by factions, partly overawed by power, pronounced no sentence of condemnation against this detestable doctrine (*Ibid*, liv. xxvii., chap. 27, *Monstielet*, chap. 39). The same question was afterwards agitated before the council of Constance; and it was with difficulty that a feeble decision in favour



of the contrary opinion, was procured from these fathers of the Church, the ministers of peace and of religion. But the mischievous effects of that tenet, had they been before anywise doubtful, appeared sufficiently from the present incidents. The commission of this crime, which destroyed all trust and security, rendered the war implacable between the French parties, and cut off every means of peace and accommodation. The princes of the blood, combining with the young Duke of Orleans and his brothers, made violent war on the Duke of Burgundy; and the unhappy king, seized sometimes by one party, sometimes by the other, transferred alternately to each of them the appearance of legal authority. The provinces were laid waste by mutual depredations: assassinations were everywhere committed from the animosity of the several leaders; or, what was equally terrible, executions were ordered, without any legal or free trial, by pretended courts of judicature. The whole kingdom was distinguished into two parts, the Burgundians, and the Armagnacs; so the adherents of the young Duke of Orleans were called, from the Count of Armagnac, father-in-law to that prince. The city of Paris, distracted between them, but inclining more to the Burgundians, was a perpetual scene of blood and violence; the king and royal family were often detained captives in the hands of the populace; their faithful ministers were butchered or imprisoned before their face, and it was dangerous for any man, amidst these enraged factions, to be distinguished by a strict adherence to the principles of probity and honour.

During this scene of general violence, there rose into some consideration a body of men, which usually makes no figure in public transactions even during the most peaceful times; and that was the university of Paris, whose opinion was sometimes demanded, and more frequently offered in the multiplied disputes between the parties. The schism, by which the Church was at that time divided, and which occasioned frequent controversies in the university, had raised the professors to an unusual degree of importance; and this connection between literature and superstition had bestowed on the former a weight, to which reason and knowledge are not of themselves any wise entitled among men. But there was another society whose sentiments were much more decisive at Paris, the fraternity of butchers, who, under the direction of their ringleaders, had declared for the Duke of Burgundy, and committed the most violent outrages against the opposite party. To counterbalance their power, the Armagnacs made interest with the fraternity of carpenters; the populace ranged themselves on one side or the other, and the fate of the capital depended on the prevalence of either party.

The advantage which might be made of these confusions, was easily perceived in England; and according to the maxims which usually prevail among nations, it was determined to lay hold of the favourable opportunity. The late king, who was courted by both the French parties, fomented the quarrel, by alternately sending assistance to each; but the present sovereign, impelled by the vigour of youth and the ardour of ambition, determined to push his advantages to a greater length, and to carry violent war into that distracted kingdom. But while he was making preparations for this end, he tried to effect his

purpose by negotiation; and he sent over ambassadors to Paris, offering a perpetual peace and alliance; but demanding Catharine, the French king's daughter, in marriage, two millions of crowns as her portion, one million six hundred thousand as the annuity of King John's ransom, and the immediate possession and full sovereignty of Normandy and of all the other provinces which had been ravished from England by the arms of Philip Augustus, together with the superiority of Brittany and Flanders (Rymer, vol. ix, p. 208). Such exorbitant demands show, that he was sensible of the present miserable condition of France; and the terms offered by the French court, though much inferior, discover their consciousness of the same melancholy truth. They were willing to give him the princess in marriage, to pay him eight hundred thousand crowns, to resign the entire sovereignty of Guienne, and to annex to that province the country of Perigord, Rouergue, Xaintonge, the Angoumois, and other territories.<sup>1</sup> As Henry rejected these conditions, and scarcely hoped that his own demands would be complied with, he never intermitted a moment his preparations for war, and having assembled a great fleet and army at Southampton, having invited all the nobility and military men of the kingdom to attend him by the hopes of glory and of conquest, he came to the seaside, with a purpose of embarking on his expedition.

But while Henry was meditating conquests upon his neighbours, he unexpectedly found himself in danger from a conspiracy at home, which was happily detected in its infancy. The Earl of Cambridge, second son of the late Duke of York, having espoused the sister of the Earl of March, had zealously embraced the interests of that family, and had held some conferences with Lord Scrope of Masham, and Sir Thomas Grey of Heton, about the means of recovering to that nobleman his right to the crown of England. The conspirators, as soon as detected, acknowledged their guilt to the king (Rymer, vol. ix, p. 300; T. Livii, p. 8); and Henry proceeded without delay to their trial and condemnation. The utmost that could be expected of the best king in those ages, was, that he would so far observe the essentials of justice, as not to make an innocent person a victim to his severity, but as to the formalities of law, which are often as material as the essentials themselves, they were sacrificed without scruple to the least interest or convenience. A jury of commoners was summoned; the three conspirators were indicted before them; the constable of Southampton Castle swore that they had separately confessed their guilt to him; without other evidence, Sir Thomas Grey was condemned and executed, but as the Earl of Cambridge and Lord Scrope pleaded the privilege of their peerage, Henry thought proper to summon a court of eighteen barons, in which the Duke of Clarence presided, the evidence, given before the jury, was read to them, the prisoners, though one of them was a prince of the blood, were not examined, nor produced in court, nor heard in their own defence; but received sentence of death upon

<sup>1</sup> Ibid., p. 211. It is reported by some historians (Hist. Croyl. Cont., p. 500) that the Dauphin, in detestation of Henry's claims and dissolute character, sent him a box of tennis balls, intimating that these implements of play were better adapted to him than the instruments of war. But this story is by no means credible; the great offers made by the court of France show that they had already entertained a just idea of Henry's character as well as of their own situation.

this proof, which was every way irregular and unsatisfactory; and the sentence was soon after executed. The Earl of Marche was accused of having given his approbation to the conspiracy, and received a general pardon from the king (Rymer, vol. ix., p. 303). He was probably either innocent of the crime imputed to him, or had made reparation by his early repentance and discovery (St. Remi, chap. lv.; Goodwin, p. 65).

The successes which the arms of England have, in different ages, obtained over those of France, have been much owing to the favourable situation of the former kingdom. The English happily seated in an island, could make advantage of every misfortune which attended their neighbours, and were little exposed to the danger of reprisals. They never left their own country but when they were conducted by a king of extraordinary genius, or found their enemy divided by intestine factions, or were supported by a powerful alliance on the continent; and as all these circumstances concurred at present to favour their enterprise, they had reason to expect from it proportionable success. The Duke of Burgundy expelled France by a combination of the princes, had been secretly soliciting the alliance of England (Rymer, vol. ix., pp. 137, 138), and Henry knew that this prince, though he scrupled at first to join the inveterate enemy of his country, would willingly, if he saw any probability of success, both assist him with his Flemish subjects, and draw over to the same side all his numerous partisans in France. Trusting therefore to this circumstance, but without establishing any concert with the duke, he put to sea, and (Aug. 24th) landed near Harfleur, at the head of an army of 6000 men at arms, and 24,000 foot, mostly archers. He immediately began the siege of that place, which was valiantly defended by D'Estouteville, and under him by De Guirri, De Gaucourt, and others of the French nobility, but as the garrison was weak, and the fortifications in bad repair, the governor was at last obliged to capitulate; and he promised to surrender the place if he received no succour before the eighteenth of September. The day came, and there was no appearance of a French army to relieve him. Henry, taking possession of the town, placed a garrison in it, and expelled all the French inhabitants, with an intention of peopling it anew with English.

The fatigues of this siege, and the unusual heat of the season, had so wasted the English army, that Henry could enter on no further enterprise; and was obliged to think of returning into England. He had dismissed his transports, which could not anchor in an open road upon the enemy's coasts; and he lay under a necessity of marching by land to Calais, before he could reach a place of safety. A numerous French army of 14,000 men at arms, and 40,000 foot, was by this time assembled in Normandy under the Constable d'Albret; a force which, if prudently conducted, was sufficient either to trample down the English in the open field, or to harass and reduce to nothing their small army, before they could finish so long and difficult a march. Henry, therefore, cautiously offered to sacrifice his conquest of Harfleur for a safe passage to Calais; but his proposal being rejected, he determined to make his way by valour and conduct through all the opposition of the enemy (De Laboureur, liv. 35, chap. 6). That he

might not discourage his army by the appearance of flight, or expose them to those hazards which naturally attend precipitate marches, he made slow and deliberate journeys (T. LIVII., p. 12), till he reached the Somme, which he purposed to pass at the ford of Blanquetague, the same place where Edward, in a like situation, had before escaped from Philip de Valois. But he found the ford rendered impassable by the precaution of the French general, and guarded by a strong body on the opposite bank (St. Remi, chap. 58); and he was obliged to march higher up the river, in order to seek for a safe passage. He was continually harassed on his march by flying parties of the enemy; saw bodies of troops on the other side ready to oppose every attempt; his provisions were cut off, his soldiers languished with sickness and fatigue; and his affairs seemed to be reduced to a desperate situation; when he was so dexterous or so fortunate as to seize by surprise a passage near St. Quintin, which had not been sufficiently guarded; and he safely carried over his army (T. LIVII., p. 13).

Henry then bent his march northwards to Calais, but he was still exposed to great and imminent danger from the enemy, who had also passed the Somme, and threw themselves full in his way, with a purpose of intercepting his retreat. After he had passed the small river of Ternois at Blangi, he was surprised to observe from the heights the whole French army drawn up in the plains of Agincourt, and so posted, that it was impossible for him to proceed on his march without coming to an engagement. Nothing in appearance could be more unequal than the battle, upon which his safety and all his fortunes now depended. The English army was little more than half the number which had disembarked at Harfleur; and they laboured under every discouragement and necessity. The enemy was four times more numerous; was headed by the dauphin and all the princes of the blood; and was plentifully supplied with provisions of every kind. Henry's situation was exactly similar to that of Edward at Cressy, and that of the Black Prince at Poitiers; and the memory of these great events, inspiring the English with courage, made them hope for a like deliverance from their present difficulties. The king likewise observed the same prudent conduct which had been followed by these great commanders; he drew up his army on a narrow ground between two woods, which guarded each flank; and he patiently expected in that posture the attack of the enemy (St. Remi, chap. 62).

Had the French constable been able, either to reason justly upon the present circumstances of the two armies, or to profit by past experience, he had declined a combat, and had waited, till necessity, obliging the English to advance, had made them relinquish the advantages of their situation. But the impetuous valour of the nobility, and a vain confidence in superior numbers, brought on this fatal action, which proved the source of infinite calamities to their country. The French archers on horseback and their men at arms, crowded in their ranks, advanced (A.D. 1415, Aug. 25) upon the English archers, who had fixed pallasadoes in their front to break the impression of the enemy, and who safely plied them, from behind that defence, with a shower of arrows which nothing could resist.<sup>1</sup> The clay soil, moistened by some rain

<sup>1</sup> Walsingham, p. 392; T. LIVII., p. 19; Le Laboureur, liv. 95, chap. 7; Monstrelet, chap. 147.

which had lately fallen, proved another obstacle to the force of the French cavalry; the wounded men and horses discomposed their ranks; the narrow compass in which they were pent hindered them from recovering any order; the whole army was a scene of confusion, terror, and dismay; and Henry, perceiving his advantage, ordered the English archers, who were light and unincumbered, to advance upon the enemy, and seize the moment of victory. They fell with their battle-axes upon the French, who, in their present posture, were incapable either of flying or of making defence, they hewed them in pieces without resistance (Walsingham, p. 393; Ypod Neust, p. 584), and being seconded by the men at arms, who also pushed on against the enemy, they covered the field with the killed, wounded, dismounted, and overthrown. After all appearance of opposition was over, the English had leisure to make prisoners; and having advanced with uninterrupted success to the open plain, they there saw the remains of the French rearguard, which still maintained the appearance of a line of battle. At the same time, they heard an alarm from behind, some gentlemen of Picardy, having collected about 600 peasants, had fallen upon the English baggage, and were doing execution on the unarmed followers of the camp, who fled before them. Henry, seeing the enemy on all sides of him, began to entertain apprehensions from his prisoners; and he thought it necessary to issue general orders for putting them to death, but on discovering the truth, he stopped the slaughter, and was still able to save a great number.

No battle was ever more fatal to France, by the number of princes and nobility slain or taken prisoners. Among the former were the constable himself, the Count of Nevers and the Duke of Brabant, brothers to the Duke of Burgundy, the Count of Vaudemont, brother to the Duke of Lorraine, the Duke of Alençon, the Duke of Barre, the Count of Marle. The most eminent prisoners were the Dukes of Orleans and Bourbon, the Counts d'Eu, Vendôme, and Richemont, and the Mareschal of Boucicaut. An Archbishop of Sens also was slain in this battle. The killed are computed on the whole to have amounted to 10,000 men; and as the slaughter fell chiefly upon the cavalry, it is pretended, that of these eight thousand were gentlemen. Henry was master of 14,000 prisoners. The person of chief note who fell among the English was the Duke of York, who perished fighting by the king's side, and had an end more honourable than his life. He was succeeded in his honours and fortune by his nephew, son of the Earl of Cambridge, executed in the beginning of the year. All the English who were slain exceeded not forty; though some writers, with greater probability, make the number more considerable.

The three great battles of Cressy, Poitiers, and Agincourt bear a singular resemblance to each other in their most considerable circumstances. In all of them there appears the same temerity in the English princes, who without any object of moment, merely for the sake of plunder, had ventured so far into the enemies' country as to leave themselves no retreat; and unless saved by the utmost imprudence in the French commanders, were, from their very situation, exposed to inevitable destruction. But allowance being made for this temerity, which, according to the regular plans of war followed in those ages,

seems to have been in some measure unavoidable; there appears, in the day of action, the same presence of mind, dexterity, courage, firmness, and precaution on the part of the English; the same precipitation, confusion, and vain confidence on the part of the French; and the events were such as might have been expected from such opposite conduct. The immediate consequences, too, of these great victories were similar; instead of pushing the French with vigour, and taking advantage of their consternation, the English princes, after their victory, seem rather to have relaxed their efforts, and to have allowed the enemy leisure to recover from his losses. Henry interrupted not his march a moment after the battle of Agincourt; he carried his prisoners to Calais, thence to England; he even concluded a truce with the enemy; and it was not till after an interval of two years that any body of English troops appeared in France.

The poverty of all the European princes, and the small resources of their kingdoms, were the cause of these continual interruptions in their hostilities; and though the maxims of war were in general destructive, their military operations were mere incursions which, without any settled plan, they carried on against each other. The lustre, however, attending the victory of Agincourt procured some supplies from the English parliament, though still unequal to the expenses of a campaign. They granted Henry an entire fifteenth of movables, and they conferred on him for life the duties of tonnage and poundage, and the subsidies on the exportation of wool and leather. This concession is more considerable than that which had been granted to Richard II. by his last parliament, and which was afterwards, on his deposition, made so great an article of charge against him.

But during this interruption of hostilities from England, France was exposed to all the furies of civil war; and the several parties became every day more enraged against each other. The Duke of Burgundy, confident that the French ministers and generals were entirely discredited by the misfortune at Agincourt, advanced with a great army to Paris, and attempted to reinstate himself in possession of the government, as well as of the person of the king. But his partisans in that city were overawed by the court, and kept in subjection; the duke despaired of success; and he retired with his forces, which he immediately disbanded in the Low Countries (*Le Labourcur*, liv. 35, chap. 10). He was soon after invited (A.D. 1417) to make a new attempt by some violent quarrels which broke out in the royal family. The queen Isabella, daughter of the Duke of Bavaria, who had been hitherto an inveterate enemy to the Burgundian faction, had received a great injury from the other party, which the implacable spirit of that princess was never able to forgive. The public necessities obliged the Count of Armagnac, created constable of France in the place of d'Albret, to seize the great treasures which Isabella had amassed; and when she expressed her displeasure at this injury, he inspired into the weak mind of the king some jealousies concerning her conduct, and pushed him to seize and put to the torture, and afterwards throw into the Seine, Bois-bourdon, her favourite, whom he accused of a commerce of gallantry with that princess. The queen herself was sent to Tours and confined under a guard (*St. Remi*, chap. 74; *Monstrelet*,

chap 167); and after suffering these multiplied insults, she no longer scrupled to enter into a correspondence with the Duke of Burgundy. As her son, the Dauphin Charles, a youth of sixteen, was entirely governed by the faction of Armagnac, she extended her animosity to him, and sought his destruction with the most unrelenting hatred. She had soon an opportunity of rendering her unnatural purpose effectual. The Duke of Burgundy, in concert with her, entered France at the head of a great army, he made himself master of Amiens, Abbeville, Dourlens, Montreuil, and other towns in Picardy, Senlis, Rheims, Chalons, Troye, and Auxerre, declared themselves of his party (St. Remi, chap. 79). He got possession of Beaumont, Pontoise, Veinon, Meulant, Montlheri, towns in the neighbourhood of Paris; and carrying farther his progress towards the west, he seized Etampes, Chartres, and other fortresses, and was at last able to deliver the queen, who fled to Troye, and openly declared against those ministers who, she said, detained her husband in captivity (Ibid, chap. 81; Monstielet, chaps 178, 179).

Meanwhile the partisans of Burgundy raised a commotion in Paris, which always inclined to that faction. Lile-Adam, one of the duke's captains, was received into the city in the night time, and headed the insurrection of the people, which in a moment became so impetuous that nothing could oppose it. The person of the king was seized; the dauphin made his escape with difficulty, great numbers of the faction of Armagnac were immediately butchered; the count himself, and many persons of note, were thrown into prison; murders were daily committed from private animosity, under pretence of faction, and the populace, not satiated with their fury, and deeming the course of public justice too dilatory, broke into the prisons, and put to death the Count of Armagnac, and all the other nobility who were there confined (St. Remi, chaps 85, 86, Monstielet, chap 118).

While France was in such furious combustion, and was so ill prepared to resist a foreign enemy, Henry, having collected some treasure and levied an army, landed in Normandy at the head of 25,000 men; and met with no considerable opposition from any quarter. He made himself master of Falaise, Evreux and Caen submitted to him; Pont de l'Aiche opened its gates; and Henry, having subdued all the lower Normandy, and having received a reinforcement of 15,000 men from England (Walsingham, p. 400), formed the siege of Rouen, which was defended by a garrison of 4000 men, seconded by the inhabitants, to the number of 15,000 (St. Remi, chap 91). The Cardinal des Ursins here (A.D. 1418) attempted to incline him towards peace, and to moderate his pretensions, but the king replied to him in such terms as showed that he was fully sensible of all his present advantages. 'Do you not see,' said he, 'that God has led me hither as by the hand? France has no sovereign. I have just pretensions to that kingdom, everything is here in the utmost confusion, no one thinks of resisting me. Can I have a more sensible proof, that the Being who disposes of empires has determined to put the crown of France upon my head?' (Juvenal des Ursins).

But though Henry had opened his mind to this scheme of ambition, he still continued to negotiate with his enemies, and endeavoured to

obtain more secure though less considerable advantages. He made, at the same time, offers of peace to both parties: to the queen and Duke of Burgundy on the one hand, who, having possession of the king's person, carried the appearance of legal authority (Rymer, vol. ix., pp. 717, 749); and to the dauphin on the other, who, being the undoubted heir of the monarchy, was adhered to by every one that paid any regard to the true interests of their country (*Ibid.*, p. 626, etc.). These two parties also carried on a continual negotiation with each other. The terms proposed on all sides were perpetually varying; the events of the war and the intrigues of the cabinet intermingled with each other; and the fate of France remained long in this uncertainty. After many negotiations, Henry offered the queen and the Duke of Burgundy to make peace with them, to espouse the Princess Catharine, and to accept of all the provinces ceded to Edward III. by the treaty of Bretigni, with the addition of Normandy, which he was to receive in full and entire sovereignty (*Ibid.*, p. 762). These terms were (A. D. 1419) submitted to; there remained only some circumstances to adjust in order to the entire completion of the treaty; but in this interval the Duke of Burgundy secretly finished his treaty with the dauphin, and these two princes agreed to share the royal authority during King Charles's lifetime, and to unite their aims in order to expel foreign enemies (*Ibid.*, p. 776, St. Remi, chap. 95).

This alliance, which seemed to cut off from Henry all hopes of further success, proved in the issue the most favourable event that could have happened for his pretensions. Whether the dauphin and the Duke of Burgundy were ever sincere in their mutual engagements is uncertain; but very fatal effects resulted from their momentary and seeming union. The two princes agreed to an interview in order to concert the means of rendering effectual their common attack on the English; but how both or either of them could with safety venture upon this conference it seemed somewhat difficult to contrive. The assassination perpetrated by the Duke of Burgundy, and still more, his open avowal of the deed, and defence of the doctrine, tended to dissolve all the bands of civil society, and even men of honour, who detested the example, might deem it just, on a favourable opportunity, to retaliate upon the author. The duke, therefore, who neither dared to give, nor could pretend to expect, any trust, agreed to all the contrivances for mutual security which were proposed by the ministers of the dauphin. The two princes came to Montreuil, the duke lodged in the castle, the dauphin in the town, which was divided from the castle by the river Yonne; the bridge between them was chosen for the place of interview; two high rails were drawn across the bridge; the gates on each side were guarded, one by the officers of the dauphin, the other by those of the duke, the princes were to enter into the intermediate space by the opposite gates, accompanied each by ten persons; and, with all these marks of diffidence, to conciliate their mutual friendship. But it appeared that no precautions are sufficient where laws have no place, and where all principles of honour are utterly abandoned. Tannegui de Chatel, and others of the dauphin's retainers, had been zealous partisans of the late Duke of Orleans, and they determined to seize the opportunity of revenging on the assassin



the murder of that prince; they no sooner entered the rails than they drew their swords and attacked the Duke of Burgundy; his friends were astonished, and thought not of making any defence; and all of them either shared his fate, or were taken prisoners by the retinue of the dauphin (St Remi, ch 97, Monstrelet, ch 211).

The extreme youth of this prince made it doubtful whether he had been admitted into the secret of the conspiracy; but as the deed was committed under his eye, by his most intimate friends, who still retained their connections with him, the blame of the action, which was certainly more imprudent than criminal, fell entirely upon him. The whole state of affairs was everywhere changed by this unexpected incident. The city of Paris, passionately devoted to the family of Burgundy, broke out into the highest fury against the dauphin. The court of King Charles entered from interest into the same views; and as all the ministers of that monarch had owed their preferment to the late duke, and foresaw their downfall if the dauphin should recover possession of his father's person, they were concerned to prevent, by any means, the success of his enterprise. The queen, persevering in her unnatural animosity against her son, increased the general flame, and inspired into the king, as far as he was susceptible of any sentiment, the same prejudices by which she herself had long been actuated. But above all, Philip, Count of Charolois, now Duke of Burgundy, thought himself bound, by every tie of honour and of duty, to revenge the murder of his father, and to prosecute the assassin to the utmost extremity. And in this general transport of rage, every consideration of national and family interest was buried in oblivion by all parties; the subjection to a foreign enemy, the expulsion of the lawful heir, the slavery of the kingdom, appeared but small evils if they led to the gratification of the present passion.

The King of England had, before the death of the Duke of Burgundy, profited extremely by the distractions of France, and was daily making a considerable progress in Normandy. He had taken Rouen after an obstinate siege (T. LIVII, p. 69; Monstrelet, chap. 201). He had made himself master of Pontoise and Gisors, he even threatened Paris, and by the terror of his arms had obliged the court to remove to Troye, and in the midst of his successes, he was agreeably surprised to find his enemies, instead of combining against him for their mutual defence, disposed to rush into his arms and to make him the instrument of their vengeance upon each other. A league was immediately concluded at Arras between him and the Duke of Burgundy. This prince, without stipulating anything for himself, except the prosecution of his father's murder, and the marriage of the Duke of Bedford with his sister, was willing to sacrifice the kingdom to Henry's ambition; and (A.D. 1420) he agreed to every demand made by that monarch. In order to finish this astonishing treaty, which was to transfer the crown of France to a stranger, Henry went to Troye, accompanied by his brothers, the Dukes of Clarence and Gloucester, and was there met by the Duke of Burgundy. The imbecility into which Charles had fallen made him incapable of seeing anything but through the eyes of those who attended him, as they, on their part, saw everything through the medium of their passions. The treaty, being already concerted among

the parties, was immediately drawn and signed and ratified; Henry's will seemed to be a law throughout the whole negotiation; nothing was attended to but his advantages.

The principal articles of the treaty were, that Henry should espouse the Princess Catharine; that King Charles, during his life-time, should enjoy the title and dignity of King of France; that Henry should be declared and acknowledged heir of the monarchy, and be entrusted with the present administration of the government; that that kingdom should pass to his heirs general, that France and England should for ever be united under one king, but should still retain their several usages, customs, and privileges, that all the princes, peers, vassals, and communities of France should swear that they would both adhere to the future succession of Henry, and pay him present obedience as regent; that this prince should unite his arms to those of King Charles and the Duke of Burgundy, in order to subdue the adherents of Charles the pretended dauphin; and that these three princes should make no peace or truce with him but by common agreement.<sup>1</sup>

Such was the tenor of this famous treaty, a treaty which, as nothing but the most violent animosity could dictate it, so nothing but the power of the sword could carry into execution. It is hard to say whether its consequences, had it taken effect, would have proved more pernicious to England or to France. It must have reduced the former kingdom to the rank of a province; it would have entirely disjointed the succession of the latter, and have brought on the destruction of every descendant of the royal family, as the houses of Orleans, Anjou, Alençon, Brittany, Bourbon, and of Burgundy itself, whose titles were preferable to that of the English princes, would, on that account, have been exposed to perpetual jealousy and persecution from the sovereign. There was even a palpable deficiency in Henry's claim, which no art could palliate. For, besides the insuperable objections to which Edward III.'s pretensions were exposed, he was not heir to that monarch; if female succession were admitted, the right had devolved on the house of Mortimer; allowing that Richard II. was a tyrant, and that Henry IV.'s merits in deposing him were so great towards the English as to justify that nation in placing him on the throne; Richard had nowise offended France, and his rival had merited nothing of that kingdom; it could not possibly be pretended that the crown of France was become an appendage to that of England, and that a prince who, by any means, got possession of the latter, was, without further question, entitled to the former. So that, on the whole, it must be allowed that Henry's claim to France was, if possible, still more unintelligible than the title by which his father had mounted the throne of England.

But though all these considerations were overlooked, amidst the hurry of passion by which the courts of France and Burgundy were actuated, they would necessarily revive during times of more tranquillity; and it behoved Henry to push his present advantages, and allow men no leisure for reason or reflection. In a few days after he espoused the Princess Catharine he carried his father-in-law to Paris, and put himself in possession of that capital: he obtained, from the parliament and the three estates, a ratification of the treaty of

<sup>1</sup> Rymer, vol. 11, p. 895; St. Remi, chap. 101. Monstrelet, chap. 223.

Troye; he supported the Duke of Burgundy in procuring a sentence against the murderers of his father; and he immediately turned his arms, with success, against the adherents of the dauphin, who, as soon as he heard of the treaty of Troye, took on him the style and authority of regent, and appealed to God and his sword for the maintenance of his title.

The first place that Henry subdued was Sens, which opened its gates after a slight resistance. With the same facility he made himself master of Montereau. The defence of Melun was more obstinate: Baibasan, the governor, held out for the space of four months against the besiegers; and it was famine alone which obliged him to capitulate. Henry stipulated to spare the lives of all the garrison, except such as were accomplices in the murder of the Duke of Burgundy, and as Baibasan himself was suspected to be of the number, his punishment was demanded by Philip; but the king had the generosity to intercede for him, and to prevent his execution (Holingshed, p. 577).

The necessity of providing supplies, both of men and money, obliged Henry to go over to England; and he left the Duke of Exeter, his uncle, governor of Paris during his absence. The authority which naturally attends success, procured, from the English parliament a subsidy of a fifteenth; but, if we may judge by the scantiness of the supply, the nation was nowise sanguine on their king's victories; and in proportion as the prospect of their union with France became nearer, they began to open their eyes, and to see the dangerous consequences with which that event must necessarily be attended. It was fortunate for Henry, that he had other resources, besides pecuniary supplies from his native subjects. The provinces which he had already conquered maintained his troops; and the hopes of further advantages allured to his standard all men of ambitious spirits in England who desired to signalise themselves by arms. He levied a new army of 24,000 archers, and 4000 horsemen (Monstrelet, chap. 242), and marched them to Dover, the place of rendezvous. Everything had remained in tranquillity at Paris, under the Duke of Exeter; but there had happened in another quarter of the kingdom a misfortune which hastened the king's embarkation.

The detention of the young King of Scots in England had hitherto proved advantageous to Henry, and, by keeping the regent in awe, had preserved, during the whole course of the French war, the northern frontier in tranquillity. But when intelligence arrived in Scotland of the progress made by Henry, and the near prospect of his succession to the crown of France, the nation was alarmed, and foresaw their own inevitable ruin if the subjection of their ally left them to combat alone a victorious enemy, who was already so much superior in power and riches. The regent entered into the same views; and though he declined an open rupture with England, he permitted (A.D. 1421) a body of 7000 Scots, under the command of the Earl of Buchan, his second son, to be transported into France for the service of the dauphin. To render this aid ineffectual, Henry had, in his former expedition, carried over the King of Scots, whom he obliged to send orders to his countrymen to leave the French service; but the Scottish general replied, that he would obey no commands which came from a king in captivity, and

that a prince, while in the hands of his enemy, was nowise entitled to authority. These troops, therefore, continued still to act under the Earl of Buchan, and were employed by the dauphin to oppose the progress of the Duke of Clarence in Anjou. The two armies encountered at Baugé; the English were defeated; the duke himself was slain by Sir Allan Swinton, a Scotch knight, who commanded a company of men at arms; and the Earls of Somerset,<sup>1</sup> Dorset, and Huntingdon, were taken prisoners.<sup>2</sup> This was the first action that turned the tide of success against the English; and the dauphin, that he might both attach the Scotch to his service, and reward the valour and conduct of the Earl of Buchan, honoured that nobleman with the office of constable of France.

But the arrival of the King of England, with so considerable an army, was more than sufficient to repair this loss. Henry was received at Paris with great expressions of joy; so obstinate were the prejudices of the people; and he immediately conducted his army to Chartres, which had long been besieged by the dauphin. That prince raised the siege on the approach of the English; and being resolved to decline a battle, he retired with his army (St. Remi, chap. 3). Henry made himself master of Dreux without a blow. he laid siege to Meaux at the solicitation of the Parisians, who were much incommoded by the garrison of that place. This enterprise employed the English arms during the space of eight months, the bastard of Vaurus, governor of Meaux, distinguished himself by an obstinate defence; but was at last obliged to surrender at discretion. The cruelty of this officer was equal to his bravery; he was accustomed to hang, without distinction, all the English and Burgundians who fell into his hands; and Henry, in revenge of his barbarity, ordered him immediately to be hanged on the same tree which he had made the instrument of his executions.<sup>3</sup>

This success was followed by the surrender of many other places in the neighbourhood of Paris, which held for the dauphin; that prince was chased beyond the Loire, and he almost totally abandoned all the northern provinces; he was even pursued into the south by the united arms of the English and Burgundians, and threatened with total destruction. Notwithstanding the bravery and fidelity of his captains, he saw himself unequal to his enemies in the field; and found it necessary to temporise, and to avoid all hazardous actions with a rival who had gained so much the ascendant over him. And to crown all the other prosperities of Henry his queen was delivered of a son, who was called by his father's name, and whose birth was celebrated by rejoicings no less pompous, and no less sincere, at Paris than at London. The infant prince seemed to be universally regarded as the future heir of both monarchies.

But the glory of Henry, when it had nearly reached the summit, was stopped short by the hand of nature; and all his mighty projects vanished into smoke. He was seized with a fistula, a malady which the surgeons at that time had not skill enough to cure; and he was at last

<sup>1</sup> His name was John, and he was afterward created Duke of Somerset. He was grandson of John of Gaunt, Duke of Lancaster. The Earl of Dorset was brother to Somerset, and succeeded him in that title.

<sup>2</sup> St. Remi, chap. 110; Monstrelet, chap. 239, Hall, fol. 76.

<sup>3</sup> Rymer, vol. x., p. 212, T. Livii, pp. 92, 93; St. Remi, chap. 116; Monstrelet, chap. 260.

sensible that his distemper was mortal, and that his end was approaching. He sent for his brother, the Duke of Bedford, the Earl of Warwick, and a few noblemen more, whom he had honoured with his friendship; and he delivered to them, in great tranquillity, his last will with regard to the government of his kingdom and family. He entreated them to continue, towards his infant son, the same fidelity and attachment which they had always professed to himself during his lifetime, and which had been cemented by so many mutual good offices. He expressed his indifference on the approach of death, and, though he regretted that he must leave unfinished a work so happily begun, he declared himself confident, that the final acquisition of France would be the effect of their prudence and valour. He left the regency of that kingdom to his elder brother, the Duke of Bedford; that of England to his younger, the Duke of Gloucester, and the care of his son's person to the Earl of Warwick. He recommended to all of them a great attention to maintain the friendship of the Duke of Burgundy, and advised them never to give liberty to the French princes taken at Agincourt, till his son were of age, and could himself hold the reins of government. And he conjured them, if the success of their arms should not enable them to place young Henry on the throne of France, never, at least, to make peace with that kingdom, unless the enemy, by the cession of Normandy, and its annexation to the crown of England, made compensation for all the hazard and expense of his enterprise (Monstrelet, chap. 265; Hall, fol. 80).

He next applied himself to his devotions, and ordered his chaplain to recite the seven penitential psalms. When that passage of the fifty-first psalm was read, 'Build thou the walls of Jerusalem;' he interrupted the chaplain, and declared his serious intention, after he should have fully subdued France, to conduct a crusade against the infidels, and recover possession of the Holy Land (St. Remi, chap. 118; Monstrelet, chap. 265). So ingenious are men in deceiving themselves, that Henry forgot, in those moments, all the blood spilt by his ambition; and received comfort from this late and feeble resolve, which, as the mode of these enterprises was now past, he certainly would never have carried into execution. He expired (A.D. 1422, Aug. 31) in the thirty-fourth year of his age and the tenth of his reign.

This prince possessed many eminent virtues, and if we give indulgence to ambition in a monarch, or rank it, as the vulgar are inclined to do, among his virtues, they were unstained by any considerable blemish. His abilities appeared equally in the cabinet and in the field; the boldness of his enterprises was no less remarkable than his personal valour in conducting them. He had the talent of attaching his friends by affability, and of gaining his enemies by address and clemency. The English, dazzled by the lustre of his character, still more than by that of his victories, were reconciled to the defects in his title. The French almost forgot that he was an enemy; and his care in maintaining justice in his civil administration, and preserving discipline in his armies, made some amends to both nations for the calamities inseparable from those wars, in which his short reign was almost entirely occupied. That he could forgive the Earl of Marche, who had a better title to the crown than himself, is a sure indication of his mag-

nanimity; and that the earl relied so entirely on his friendship, is no less a proof of his established character for candour and sincerity. There remain in history few instances of such mutual trust; and still fewer where neither party found reason to repent it.

The exterior figure of this great prince, as well as his deportment, was engaging. His stature was somewhat above the middle size; his countenance beautiful; his limbs genteel and slender, but full of vigour; and he excelled in all warlike and manly exercises (T. Livii, p. 4). He left, by his queen, Catharine of France, only one son, not full nine months old; whose misfortunes, in the course of his life, surpassed all the glories and successes of his father.

In less than two months after Henry's death, Charles VI. of France, his father-in-law, terminated his unhappy life. He had, for several years, possessed only the appearance of royal authority; yet was this mere appearance of considerable advantage to the English, and divided the duty and affections of the French between them and the dauphin. This prince was proclaimed and crowned King of France at Poitiers, by the name of Charles VII. Rheims, the archiepiscopal place where this ceremony is usually performed, was at that time in the hands of his enemies.

Catharine of France, Henry's widow, married, soon after his death, a Welsh gentleman, Sir Owen Tudor, said to be descended from the ancient princes of that country, she bore him two sons, Edmund and Jasper, of whom the eldest was created Earl of Richmond, the second Earl of Pembroke. The family of Tudor, first raised to distinction by this alliance, mounted afterwards the throne of England.

The long schism which had divided the Latin Church for near forty years, was finally terminated in this reign by the council of Constance; which deposed the Pope, John XXIII. for his crimes, and elected Martin V. in his place, who was acknowledged by almost all the kingdoms of Europe. This great and unusual act of authority in the council gave the Roman pontiffs ever after a mortal antipathy to those assemblies. The same jealousy which had long prevailed in most European countries, between the civil aristocracy and monarchy, now also took place between these powers in the ecclesiastical body. But the great separation of the bishops in the several states, and the difficulty of assembling them, gave the Pope a mighty advantage, and made it more easy for him to centie all the powers of the hierarchy in his own person. The cruelty and treachery which attended the punishment of John Huss and Jerome of Prague, the unhappy disciples of Wickliffe, who, in violation of a safe-conduct, were burned alive for their 'eïrois' by the council of Constance, prove this melancholy truth, that toleration is none of the virtues of priests in any form of ecclesiastical government. But as the English nation had little or no concern in these great transactions, we are here the more concise in relating them.

The first commission of array, which we meet with, was issued in this reign (Rymer, vol. ix., pp. 254, 255). The military part of the feudal system, which was the most essential circumstance of it, was entirely dissolved, and could no longer serve for the defence of the kingdom. Henry, therefore, when he went to France, in 1415, em-

powered certain commissioners to take in each county a review of all the freemen able to bear arms, to divide them into companies, and to keep them in readiness for resisting an enemy. This was the era, when the feudal militia in England gave place to one which was perhaps still less orderly and regular.

We have an authentic and exact account of the ordinary revenue of the crown during this reign, and it amounts only to 55,714*l.* 10*s.* 10*d.* a year (Rymer, vol. x., p. 113). This is nearly the same with the revenue of Henry III., and the kings of England had neither become much richer nor poorer in the course of so many years. The ordinary expense of the government amounted to 42,507*l.* 16*s.* 10*d.*; so that the king had a surplus only of 13,206*l.* 14*s.* for the support of his household, for his wardrobe, for the expense of embassies, and other articles. This sum was nowise sufficient. he was therefore obliged to have frequent recourse to parliamentary supplies, and was thus even in time of peace not altogether independent of his people. But wars were attended with a great expense, which neither the prince's ordinary revenue, nor the extraordinary supplies were able to bear, and the sovereign was always reduced to many miserable shifts, in order to make any tolerable figure in them. He commonly borrowed money from all quarters; he pawned his jewels, and sometimes the crown itself (Ibid., p. 190), he ran in arrears to his army; and he was often obliged, notwithstanding all these expedients, to stop in the midst of his career of victory, and to grant truces to the enemy. The high pay which was given to soldiers agreed very ill with this low income. All the extraordinary supplies, granted by parliament to Henry during the course of his reign, were only seven tenths and fifteenths, about 203,000*l.* (Parl. Hist., vol. ii, p. 168). It is easy to compute how soon this money must be exhausted by armies of 24,000 archers, and 6000 horse, when each archer had sixpence a day,<sup>1</sup> and each horseman two shillings. The most splendid successes proved commonly fruitless, when supported by so poor a revenue; and the debts and difficulties which the king thereby incurred, made him pay dear for his victories. The civil administration, likewise even in time of peace, could never be very regular, where the government was so ill enabled to support itself. Henry, till within a year of his death, owed debts which he had contracted when Prince of Wales (Rymer, vol. x, p. 114). It was in vain that the parliament pretended to restrain him from arbitrary practices when he was reduced to such necessities. Though the right of levying purveyance, for instance, had been expressly guarded against by the Great Charter itself, and was frequently complained of by the commons, it was found absolutely impracticable to abolish it; and the parliament at length, submitting to it as a legal prerogative, contented themselves with enacting laws to limit and confine it. The Duke of Gloucester in the reign of Richard II. possessed a revenue of 60,000 crowns (about 30,000*l.* a year of our present money), as we learn from Froiss. (liv iv, ch. 86), and was consequently richer than the king himself, if all circumstances be duly considered.

<sup>1</sup> It appears from many passages of Rymer, particularly vol. ix., p. 258, that the king paid 80 marks a year for an archer, which is a good deal above sixpence a day. The price had risen, as is natural, by raising the denomination of money.

It is remarkable, that the city of Calais alone was an annual expense to the crown of 19,119*l* (Rymer, vol. x, p. 113); that is, above a third of the common charge of the government in time of peace. This fortress was of no use to the defence of England, and only gave that kingdom an inlet to annoy France. Ireland cost 2000*l*. a year, over and above its own revenue, which was certainly very low. Everything conspires to give us a very mean idea of the state of Europe in those ages.

From the most early times till the reign of Edward III. the denomination of money had never been altered. a pound sterling was still a pound troy; that is, about three pounds of our present money. That conqueror was the first that innovated in this important article. In the twentieth of his reign, he coined twenty-two shillings from a pound troy; in his twenty-seventh year he coined twenty-five shillings. But Henry V. who was also a conqueror, raised still further the denomination, and coined thirty shillings from a pound troy (Fleetwood's Chron. Precios, p. 52) His revenue therefore must have been about 110,000*l*. of our present money, and, by the cheapness of provisions, was equivalent to above 330,000*l*.

None of the princes of the House of Lancaster ventured to impose taxes without consent of parliament: their doubtful or bad title became so far of advantage to the constitution. The rule was then fixed, and could not safely be broken afterwards, even by more absolute princes.

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## CHAPTER XX.

### HENRY VI.

*Government during the minority.—State of France.—Military operations.—Battle of Verneuil.—Siege of Orleans.—The maid of Orleans.—The siege of Orleans raised.—The King of France crowned at Rheims.—Prudence of the Duke of Bedford.—Execution of the Maid of Orleans.—Defection of the Duke of Burgundy.—Death of the Duke of Bedford.—Decline of the English in France.—Truce with France.—Marriage of the king with Margaret of Anjou.—Murder of the Duke of Gloucester.—State of France.—Renewal of the war with France.—The English expelled France.*

DURING the reigns of the Lancastrian princes, the authority of parliament seems to have been more confirmed, and the privileges of the people more regarded, than during any former period; and the two preceding kings, though men of great spirit and abilities, abstained from such exertions of prerogative, as even weak princes, whose title was undisputed, were tempted to think they might venture upon with impunity. The long minority, of which there was now the prospect, encouraged still further the lords and commons to extend their influence; and without paying much regard to the verbal destination of Henry V. they assumed the power of giving a new arrangement to the



whole administration. They declined altogether the name of 'Regent' with regard to England, they appointed the Duke of Bedford 'protector' or 'guardian' of that kingdom, a title which they supposed to imply less authority; they invested the Duke of Gloucester with the same dignity during the absence of his elder brother (Rymer, vol. x., p. 261; Cotton, p. 564); and in order to limit the power of both these princes, they appointed a council, without whose advice and approbation no measure of importance could be determined (Cotton, p. 564). The person and education of the infant prince was committed to Henry Beaufort, Bishop of Winchester, his great uncle, and the legitimated son of John of Gaunt, Duke of Lancaster, a prelate who, as his family could never have any pretensions to the crown, might safely, they thought, be intrusted with that important charge (Hall, fol. 83; Monstrelet, vol. ii., p. 27). The two princes, the Dukes of Bedford and Gloucester, who seemed injured by this plan of government, yet, being persons of great integrity and honour, acquiesced in any appointment which tended to give security to the public; and as the wars in France appeared to be of greatest moment, they avoided every dispute which might throw an obstacle in the way of foreign conquests.

When the state of affairs between the English and French Kings was considered with a superficial eye, every advantage seemed to be on the side of the former; and the total expulsion of Charles appeared to be an event which might naturally be expected from the superior power of his competitor. Though Henry was yet in his infancy, the administration was devolved on the Duke of Bedford, the most accomplished prince of his age; whose experience, prudence, valour, and generosity qualified him for his high office, and enabled him both to maintain union among his friends, and to gain the confidence of his enemies. The whole power of England was at his command, he was at the head of armies enured to victory; he was seconded by the most renowned generals of the age, the Earls of Somerset, Warwick, Salisbury, Suffolk, and Arundel, Sir John Talbot, and Sir John Fastolfe; and besides Guienne, the ancient inheritance of England, he was master of the capital, and of almost all the northern provinces, which were well enabled to furnish him with supplies, both of men and money, and to assist and support his English forces.

But Charles, notwithstanding the present inferiority of his power, possessed some advantages, derived partly from his situation, partly from his personal character, which promised him success, and served first to control then to overbalance the superior force and opulence of his enemies. He was the true and undoubted heir of the monarchy; all Frenchmen, who knew the interests or desired the independence of their country, turned their eyes towards him as its sole resource; the exclusion given him, by the imbecility of his father, and the forced or precipitate consent of the states, had plainly no validity; that spirit of faction which had blinded the people could not long hold them in so gross a delusion; their national and inveterate hatred against the English, the authors of all their calamities, must soon revive, and inspire them with indignation at bending their necks under the yoke of that hostile people, great nobles and princes, accustomed to maintain an independence against their native sovereigns, would never endure a

subjection to strangers; and though most of the princes of the blood were, since the fatal battle of Agincourt, detained prisoners in England, the inhabitants of their demesnes, their friends, their vassals, all declared a zealous attachment to the king, and exerted themselves in resisting the violence of foreign invaders.

Charles himself, though only in his twentieth year, was of a character well calculated to become the object of these benevolent sentiments; and, perhaps, from the favour which naturally attends youth, was the more likely, on account of his tender age, to acquire the good-will of his native subjects. He was a prince of the most friendly and benign disposition, of easy and familiar manners, and of a just and sound, though not a very vigorous, understanding. Sincere, generous, affable, he engaged, from affection, the services of his followers, even while his low fortunes might make it their interest to desert him; and the lenity of his temper could pardon in them those sallies of discontent, to which princes in his situation are so frequently exposed. The love of pleasure often seduced him into indolence, but, amidst all his irregularities, the goodness of his heart still shone forth; and, by exerting at intervals his courage and activity, he proved, that his general remissness proceeded not from the want either of a just spuit of ambition or of personal valour.

Though the virtues of this amiable prince lay some time in obscurity, the Duke of Bedford knew that his title alone made him formidable, and that every foreign assistance would be requisite, ere an English regent could hope to complete the conquest of France; an enterprise which, however it might seem to be much advanced, was still exposed to many and great difficulties. The chief circumstance, which had procured to the English all their present advantages, was the resentment of the Duke of Burgundy against Charles; and as that prince seemed intent rather on gratifying his passion than consulting his interests, it was the more easy for the regent, by demonstrations of respect and confidence, to retain him in the alliance of England. He bent therefore all his endeavours to that purpose; he gave the duke every proof of friendship and regard; he even offered him the regency of France, which Philip declined; and that he might corroborate the national connections by private ties, he concluded his own marriage with the princess of Burgundy, which had been stipulated by the treaty of Arras.

Being sensible, that next to the alliance of Burgundy, the friendship of the Duke of Brittany was of the greatest importance towards forwarding the English conquests; and that, as the provinces of France, already subdued, lay between the dominions of these two princes, he could never hope for any security, without preserving his connections with them, he was very intent on strengthening himself also from that quarter. The Duke of Brittany, having received many just reasons of displeasure from the ministers of Charles, had already acceded to the treaty of Troye, and had, with other vassals of the crown, done homage to Henry V. in quality of heir to the kingdom, but as the regent knew that the duke was much governed by his brother, the Count of Richemont, he endeavoured to fix his friendship by paying court and doing services to this haughty and ambitious prince.

Arthur, Count of Richemont, had been taken prisoner at the battle of Agincourt, had been treated with great indulgence by the late king, and had even been permitted on his parole to take a journey into Brittany, where the state of affairs required his presence. The death of that victorious monarch happened before Richemont's return; and this prince pretended that as his word was given personally to Henry V. he was not bound to fulfil it towards his son and successor; a chicane which the regent, as he could not force him to compliance, deemed it prudent to overlook. An interview was (A D 1423, April 17) settled at Amiens between the Dukes of Bedford, Burgundy, and Brittany, at which the Count of Richemont was also present,<sup>1</sup> the alliance was renewed between these princes, and the regent persuaded Philip to give in marriage to Richemont his eldest sister, widow of the deceased dauphin, Lewis, the elder brother of Charles. Thus Arthur was connected both with the regent and the Duke of Burgundy, and seemed engaged by interest to prosecute the same object, in forwarding the success of the English aims.

While the vigilance of the Duke of Bedford was employed in gaining or confirming these allies, whose vicinity rendered them so important, he did not overlook the state of more remote countries. The Duke of Albany, regent of Scotland, had died; and his power had devolved on Murdac, his son, a prince of a weak understanding and indolent disposition, who, far from possessing the talents requisite for the government of that fierce people, was not even able to maintain authority in his own family, or restrain the petulance and insolence of his sons. The ardour of the Scots to serve in France, where Charles treated them with great honour and distinction, and where the regent's brother enjoyed the dignity of constable, broke out afresh under this feeble administration; new succours daily came over, and filled the armies of the French king, the Earl of Douglas conducted a reinforcement of 5000 men to his assistance; and it was justly to be dreaded that the Scots, by commencing open hostilities in the north, would occasion a diversion still more considerable of the English power, and would ease Charles, in part, of that load by which he was at present so grievously oppressed. The Duke of Bedford, therefore, persuaded the English council to form an alliance with James their prisoner; to free that prince from his long captivity; and to connect him with England by marrying him to a daughter of the Earl of Somerset, and cousin of the young king (Hall, fol 86; Stowe, p 364; Grafton, p 501). As the Scottish regent, tired of his present dignity, which he was not able to support, was now become entirely sincere in his applications for James's liberty, the treaty was soon concluded; a ransom of 40,000*l* was stipulated (Rymer, vol x, pp. 299, 300, 326); and the King of Scots was restored to the throne of his ancestors, and proved, in his short reign, one of the most illustrious princes that had ever governed that kingdom. He was murdered, in 1437, by his traitorous kinsman, the Earl of Athole. His affections inclined to the side of France; but the English had never reason, during his lifetime, to complain of any breach of the neutrality by Scotland.

But the regent was not so much employed in these political negotiations

<sup>1</sup> Hall, fol 84; Monstrelet, vol 1, p 4, Stowe, p 364.

as to neglect the operations of war, from which alone he could hope to succeed in expelling the French monarch. Though the chief seat of Charles's power lay in the southern provinces beyond the Loire, his partisans were possessed of some fortresses in the northern, and even in the neighbourhood of Paris; and it behoved the Duke of Bedford first to clear these countries from the enemy before he could think of attempting more distant conquests. The Castle of Dorsoy was taken after a siege of six weeks; that of Noyelle and the town of Rue in Picardy underwent the same fate; Pont sur Seine, Vertus, Montagu, were subjected by the English arms; and a more considerable advantage was soon after gained by the united forces of England and Burgundy. John Stuart, Constable of Scotland, and the Lord of Estiassac, had formed the siege of Crevant in Burgundy; the Earls of Salisbury and Suffolk, with the Count of Toulangeon, were sent to its relief; a fierce and well-disputed action ensued; the Scots and French were defeated; the Constable of Scotland and the Count of Ventadour were taken prisoners; and above a thousand men, among whom was Sir William Hamilton, were left on the field of battle.<sup>1</sup> The taking of Gaillon upon the Seine and of La Charité upon the Loire was the fruit of this victory; and as this latter place opened an entrance into the southern provinces, the acquisition of it appeared on that account of the greater importance to the Duke of Bedford, and seemed to promise a successful issue to the war.

The more Charles was (A D 1424) threatened with an invasion in those provinces which adhered to him, the more necessary it became that he should retain possession of every fortress which he still held within the quarters of the enemy. The Duke of Bedford had besieged in person, during the space of three months, the town of Yvii in Normandy; and the brave governor, unable to make any longer defence, was obliged to capitulate; and he agreed to surrender the town if before a certain term no relief arrived. Charles informed of these conditions, determined to make an attempt for saving the place. He collected with some difficulty an army of 14,000 men, of whom one half were Scots; and he sent them thither under the command of the Earl of Buchan, Constable of France, who was attended by the Earl of Douglas, his countryman, the Duke of Alençon, the Maieschal de la Fayette, the Count of Aumale, and the Viscount of Narbonne. When the constable arrived within a few leagues of Yvii, he found that he was come too late, and that the place was already surrendered. He immediately turned to the left and sat down before Veigneuil, which the inhabitants, in spite of the garrison, delivered up to him (Monstrellet, vol. 11., p. 14; Grafton, p. 504). Buchan might now have returned in safety and with the glory of making an acquisition no less important than the place which he was sent to relieve; but hearing of Bedford's approach, he called a council of war in order to deliberate concerning the conduct which he should hold in this emergence. The wiser part of the council declared for a retreat, and represented that all the past misfortunes of the French had proceeded from their rashness in giving battle when no necessity obliged them; that this army was the last resource of the king, and the only defence of the few provinces which

<sup>1</sup> Hall, fol. 85; Monstrellet, vol. 11., p. 8; Holingshed, p. 586, Grafton, p. 500.

remained to him; and that every reason invited him to embrace cautious measures which might leave time for his subjects to return to a sense of their duty and give leisure for discord to arise among his enemies, who being united by no common band of interest or motive of alliance, could not long persevere in their animosity against him. All these prudential considerations were overborne by a vain point of honour, not to turn their backs to the enemy; and they resolved to await the arrival of the Duke of Bedford.

The numbers were nearly equal in this action, and as the long continuance of war had introduced discipline which, however imperfect, sufficed to maintain some appearance of order in such small armies, the battle was fierce and well-disputed, and attended with bloodshed on both sides. The constable drew up his forces under the walls of Verneuil, and (Aug 27) resolved to abide the attack of the enemy; but the impatience of the Viscount of Narbonne, who advanced precipitately, and obliged the whole line to follow him in some hurry and confusion, was the cause of the misfortune which ensued. The English archers, fixing their palisadoes before them according to their usual custom, sent a volley of arrows amidst the thickest of the French army; and though beaten from their ground and obliged to take shelter among the baggage, they soon rallied and continued to do great execution upon the enemy. The Duke of Bedford, meanwhile, at the head of the men-at-arms, made impression on the French, broke their ranks, chased them off the field, and rendered the victory entirely complete and decisive<sup>1</sup>. The constable himself perished in battle as well as the Earl of Douglas and his son, the Counts of Aumale, Tonnerre, and Ventadour, with many other considerable nobility. The Duke of Alençon, the Maieschal de la Fayette, the Lords of Gaucour and Mortemar were taken prisoners. There fell about four thousand of the French and sixteen hundred of the English; a loss esteemed at that time so unusual on the side of the victors, that the Duke of Bedford forbade all rejoicings for his success. Verneuil was surrendered next day by capitulation (Monstielet, vol. ii., p. 15).

The condition of the King of France now appeared very terrible and almost desperate. He had lost the flower of his army and the bravest of his nobles in this fatal action, he had no resource either for recruiting or subsisting his troops, he wanted money even for his personal subsistence, and though all parade of a court was banished, it was with difficulty he could keep a table supplied with the plainest necessaries for himself and his few followers. Every day brought him intelligence of some loss or misfortune, towns which were bravely defended were obliged at last to surrender for want of relief or supply; he saw his partisans entirely chased from all the provinces which lay north of the Loire, and he expected soon to lose, by the united efforts of his enemies, all the territories of which he had hitherto continued master, when an incident happened which saved him on the brink of ruin, and lost the English such an opportunity for completing their conquests as they never afterwards were able to recall.

Jaqueline, Countess of Hainault and Holland, and heir of these provinces, had espoused John, Duke of Brabant, cousin-german to the

<sup>1</sup> Hall, fol 88, 89, 90, Monstielet, vol. ii, p 15, Stowe, p. 365, Holingshed, p 588.

Duke of Burgundy; but having made this choice from the usual motives of princes, she soon found reason to repent of the unequal alliance. She was a princess of a masculine spirit and uncommon understanding; the Duke of Brabant was of a sickly complexion and weak mind. She was in the vigour of her age; he had only reached his fifteenth year. These causes had inspired her with such contempt for her husband which soon proceeded to antipathy, that she determined to dissolve a marriage where it is probable nothing but the ceremony had as yet intervened. The court of Rome was commonly very open to applications of this nature when seconded by power and money; but as the princess foresaw great opposition from her husband's relations and was impatient to effect her purpose, she made her escape into England, and threw herself under the protection of the Duke of Gloucester. That prince, with many noble qualities, had the defect of being governed by an impetuous temper and vehement passions; and he was rashly induced, as well by the charms of the countess herself as by the prospect of possessing her rich inheritance, to offer himself to her as a husband. Without waiting for a papal dispensation, without endeavouring to reconcile the Duke of Burgundy to the measure, he entered into a contract of marriage with Jaqueline, and immediately attempted to put himself in possession of her dominions. Philip was disgusted with so precipitate a conduct; he resented the injury done to the Duke of Brabant, his near relation, he dreaded to have the English established on all sides of him, and he foresaw the consequences which must attend the extensive and uncontrolled dominion of that nation if, before the full settlement of their power, they insulted and injured an ally to whom they had already been so much indebted, and who was still so necessary for supporting them in their further progress. He encouraged, therefore, the Duke of Brabant to make resistance; he engaged many of Jaqueline's subjects to adhere to that prince; he himself marched troops to his support; and as the Duke of Gloucester still persevered in his purpose, a sharp war was suddenly kindled in the Low Countries. The quarrel soon became personal as well as political. The English prince wrote to the Duke of Burgundy complaining of the opposition made to his pretensions, and though in the main he employed amicable terms in his letter, he took notice of some falsehoods into which he said Philip had been betrayed during the course of these transactions. This unguarded expression was highly resented; the Duke of Burgundy insisted that he should retract it, and mutual challenges and defiance passed between them on this occasion (*Monstrelet*, vol. ii., pp. 19, 20, 21).

The Duke of Bedford could easily foresee the bad effects of so ill-timed and imprudent a quarrel. All the succours which he expected from England, and which were so necessary in this critical emergency, were intercepted by his brother and employed in Holland and Hainault; the forces of the Duke of Burgundy which he also depended on, were diverted by the same wars; and besides this double loss, he was in imminent danger of alienating for ever that confederate whose friendship was of the utmost importance, and whom the late king had enjoined him with his dying breath to gratify by every mark of regard and attachment. He represented all these topics to the Duke of

Gloucester; he endeavoured to mitigate the resentment of the Duke of Burgundy; he interposed with his good offices between these princes; but was not successful in any of his endeavours, and he found that the impetuosity of his brother's temper was still the chief obstacle to all accommodation (Monstrelet, p. 18). For this reason, instead of pushing the victory gained at Verneuil, he found himself obliged to take a journey into England, and to try by his counsels and authority to moderate the measures of the Duke of Gloucester.

There had likewise broken out some differences among the English ministry, which had proceeded to great extremities, and which required the regent's presence to compose them (Stowe, p. 368; Hollingshed, p. 590). The Bishop of Winchester, to whom the care of the king's person and education had been entrusted, was a prelate of great capacity and experience, but of an intriguing and dangerous character; and as he aspired to the government of affairs, he had continued disputes with his nephew the protector; and he gained frequent advantages over the vehement and impolitic temper of that prince. The Duke of Bedford (A D 1425) employed the authority of parliament to reconcile them, and these rivals were obliged to promise before that assembly, that they would bury all quarrels in oblivion<sup>1</sup>. Time also seemed to open expedients for composing the difference with the Duke of Burgundy. The credit of that prince had procured a bull from the Pope; by which not only Jaqueline's contract with the Duke of Gloucester was annulled, but it was also declared, that even in case of the Duke of Brabant's death, it should never be lawful for her to espouse the English prince Humphrey, despairing of success, married another lady of inferior rank, who had lived some time with him as his mistress (Stowe, p. 367). The Duke of Brabant died; and his widow, before she could recover possession of her dominions, was obliged to declare the Duke of Burgundy her heir, in case she should die without issue, and to promise never to marry without his consent. But though the affair was thus terminated to the satisfaction of Philip, it left a disagreeable impression on his mind; it excited an extreme jealousy of the English, and opened his eyes to his true interests; and as nothing but his animosity against Charles had engaged him in alliance with them, it counterbalanced that passion by another of the same kind, which in the end became prevalent, and brought him back by degrees to his natural connections with his family and his native country.

About the same time the Duke of Brittany began to withdraw himself from the English alliance. His brother, the Count of Richemont, though connected by marriage with the Dukes of Burgundy and Bedford, was extremely attached by inclination to the French interest; and he willingly hearkened to all the advances which Charles made him for obtaining his friendship. The staff of constable, vacant by the Earl of Buchan's death, was offered him; and as his martial and ambitious temper aspired to the command of armies, which he had in vain attempted to obtain from the Duke of Bedford, he not only accepted that office, but brought over his brother to an alliance with the French monarch. The new constable having made this one change

<sup>1</sup> Hall, fol. 98, 99; Hollingshed, p. 593, 594; Polydore Virgil, p. 466, Grafton, p. 512, 519.

in his measures, firmly adhered ever after to his engagements with France. Though his pride and violence, which would admit of no rival in his master's confidence, and even prompted him to assassinate the other favourites, had so much disgusted Charles, that he once banished him the court, and refused to admit him to his presence, he still acted with vigour for the service of that monarch, and obtained by his perseverance, the pardon of all past offences.

In this situation the Duke of Bedford on his return (A.D. 1426) found the affairs of France, after passing eight months in England. The Duke of Burgundy was much disgusted. The Duke of Brittany had entered into engagements with Charles, and had done homage to that prince for his duchy. The French had been allowed to recover from the astonishment into which their frequent disasters had thrown them. An incident too had happened which served extremely to raise their courage. The Earl of Warwick had besieged Montargis with a small army of 3000 men, and the place was reduced to extremity, when the bastard of Orleans undertook to throw relief into it. This general who was natural son to the prince assassinated by the Duke of Burgundy, and who was afterwards created Count of Dunois, conducted a body of 1600 men to Montargis, and made an attack on the enemy's trenches with so much valour, prudence, and good fortune, that he not only penetrated into the place, but gave a severe blow to the English, and obliged Warwick to raise the siege (Monstrellet, vol. ii., pp. 32, 33; Holingshed, p. 597). This was the first signal action that raised the fame of Dunois, and opened him the road to those great honours which he afterwards attained.

But the regent soon after his arrival revived the reputation of the English arms, by an important enterprise which he happily achieved. He secretly brought together in separate detachments, a considerable army to the frontiers of Brittany; and fell so unexpectedly upon that province, that the duke, unable to make resistance, yielded to all the terms required of him; he renounced the French alliance, he engaged to maintain the treaty of Troye, he acknowledged the Duke of Bedford for regent of France, and promised to do homage for his duchy to King Henry (Monstrellet, vol. ii., pp. 35, 36). And the English prince having thus freed himself from a dangerous enemy who lay behind him, resolved on an undertaking, which if successful, would, he hoped, cast the balance between the two nations, and prepare the way for the final conquest of France.

The city of Orleans was so situated between the provinces commanded by Henry, and those possessed by Charles, that it opened an easy entrance to either; and as the Duke of Bedford intended to make a great effort for penetrating into the south of France, it behoved him to begin with this place, which in the present circumstances, was become the most important in the kingdom. He committed the conduct of the enterprise to the Earl of Salisbury, who had newly brought him a reinforcement of 6000 men from England, and who had much distinguished himself by his abilities during the course of the present war. Salisbury passing the Loire, made himself master of several small places, which surrounded Orleans on that side (Monstrellet, vol. ii., pp. 38, 39, Polyd. Viig., p. 468); and as his intentions were



thereby known, the French king used every expedient to supply the city with a garrison and provisions, and enable it to maintain a long and obstinate siege. The Lord of Gaucour, a brave and experienced captain was appointed governor; many officers of distinction threw themselves into the place, the troops which they conducted were inured to war, and were determined to make the most obstinate resistance, and even the inhabitants, disciplined by the long continuance of hostilities, were well qualified in their own defence to second the efforts of the most veteran forces. The eyes of all Europe were turned towards this scene, where it was supposed the French were to make their last stand for maintaining the independence of their monarchy and the rights of their sovereign.

The Earl of Salisbury at last approached the place with an army which consisted only of 10,000 men, and not being able with so small a force to invest so great a city, that commanded a bridge over the Loire, he stationed himself on the southern side towards Sologne, leaving the other towards the Beausse still open to the enemy. He there attacked the fortifications which guarded the entrance to the bridge, and after an obstinate resistance he carried several of them; but was himself killed by a cannon ball as he was taking a view of the enemy.<sup>1</sup> The Earl of Suffolk succeeded to the command, and being reinforced with great numbers of English and Burgundians, he passed the river with the main body of his army, and invested Orleans on the other side. As it was now the depth of winter, Suffolk, who found it difficult in that season to throw up intrenchments all around, contented himself for the present with erecting redoubts at different distances, where his men were lodged in safety, and were ready to intercept the supplies which the enemy might attempt to throw into the place. Though he had several pieces of artillery in his camp (and this is among the first sieges in Europe where cannon were found to be of importance), the art of engineering was hitherto so imperfect, that Suffolk trusted more to famine than to force for subduing the city; and he purposed in the spring to render the circumvallation more complete, by drawing intrenchments from one redoubt to another. Numberless feats of valour were performed both by the besiegers and besieged during the winter; bold sallies were made, and repulsed with equal boldness; convoys were sometimes introduced and often intercepted, the supplies were still unequal to the consumption of the place; and the English seemed daily, though slowly, to be advancing towards the completion of their enterprise.

But while Suffolk lay (A.D. 1429) in this situation, the French parties ravaged all the country around, and the besiegers, who were obliged to draw their provisions from a distance, were themselves exposed to the danger of want and famine. Sir John Fastolfe was bringing up a large convoy of every kind of stores, which he escorted with a detachment of 2500 men, when he was attacked by a body of 4000 French, under the command of the Counts of Clermont and Dunois. Fastolfe drew up his troops behind the waggons, but the French generals afraid of attacking him in that posture, planted a

<sup>1</sup> Hall, fol. 105; Monstrelet, vol. 11, p. 39, Stowe, p. 369, Holingshead, p. 599, Grafton, p. 531.

battery of cannon against him, which threw everything into confusion, and would have insured them the victory, had not the impatience of some Scottish troops who broke the line of battle, brought on a engagement in which Fastolfe was victorious. The Count of Dunois was wounded, and about 500 French were left on the field of battle. This action, which was of great importance in the present conjuncture, was commonly called the battle of Herrings, because the convoy brought a great quantity of that kind of provisions, for the use of the English army during the Lent season.<sup>1</sup>

Charles seemed now to have but one expedient for saving this city, which had been so long invested. The Duke of Orleans, who was still prisoner in England, prevailed on the protector and the council to consent, that all his demesnes should be allowed to preserve a neutrality during the war, and should be sequestered, for greater security, into the hands of the Duke of Burgundy. This prince, who was much less cordial in the English interests than formerly, went to Paris, and made the proposal to the Duke of Bedford, but the regent coldly replied, that he was not of a humour to beat the bushes, while others ran away with the game. An answer which so disgusted the duke, that he recalled all the troops of Burgundy that acted in the siege.<sup>2</sup> The place, however, was every day more and more closely invested by the English. Great scarcity began already to be felt by the garrison and inhabitants. Charles, in despair of collecting an army, which should dare to approach the enemy's entrenchments, not only gave the city for lost, but began to entertain a very dismal prospect with regard to the general state of his affairs. He saw that the county, in which he had hitherto, with great difficulty, subsisted, would be laid entirely open to the invasion of a powerful and victorious enemy, and he already entertained thoughts of retiring with the remains of his forces into Languedoc and Dauphiny, and defending himself as long as possible in those remote provinces. But it was fortunate for this good prince, that as he lay under the dominion of the fair, the women, whom he consulted, had the spirit to support his sinking resolution in this desperate extremity. Mary of Anjou, his queen, a princess of great merit and prudence, vehemently opposed this measure, which, she foresaw, would discourage all his partisans, and serve as a general signal for deserting a prince who seemed himself to despair of success. His mistress too, the fair Agnes Sorel, who lived in entire amity with the queen, seconded all her remonstrances, and threatened that, if he thus pusillanimously threw away the sceptre of France, she would seek in the court of England a fortune more correspondent to her wishes. Love was not able to rouse in the breast of Charles that courage which ambition had failed to excite. He resolved to dispute every inch of ground with an imperious enemy, and rather to perish with honour in the midst of his friends, than yield ingloriously to his bad fortune, when relief was unexpectedly brought him by another female of a very different character, who gave rise to one of the most singular revolutions that is to be met with in history.

<sup>1</sup> Hall, fol. 106, Monstrelet, vol. ii., p. 41, 42, Stowe, p. 369, Holingshed, p. 600; Polyd. Virg., p. 469, Grafton, p. 532.

<sup>2</sup> Hall, fol. 106, Monstrelet, vol. ii., p. 42, Stowe, p. 369, Grafton, p. 532.

In the village of Domremi near Vaucouleurs, on the borders of Lorraine, there lived a country girl of twenty-seven years of age, called Joan d'Arc, who was servant in a small inn, and who in that station had been accustomed to tend the horses of the guests, to ride them without a saddle to the watering-place, and to perform other offices, which, in well frequented inns, commonly fall to the share of the men-servants.<sup>1</sup> This girl was of an irreproachable life, and had not hitherto been remarked for any singularity, whether that she had met with no occasion to excite her genius, or that the unskilful eyes of those who conversed with her, had not been able to discern her uncommon merit. It is easy to imagine, that the present situation of France was an interesting object even to persons of the lowest rank, and would become the frequent subject of conversation. A young prince expelled his throne by the sedition of native subjects and by the arms of strangers, could not fail to move the compassion of all his people whose hearts were uncorrupted by faction; and the peculiar character of Charles, so strongly inclined to friendship and the tender passions, naturally rendered him the hero of that sex whose generous minds know no bounds in their affections. The siege of Orleans, the progress of the English before that place, the great distress of the garrison and inhabitants, the importance of saving this city and its brave defenders, had turned thither the public eye; and Joan, inflamed by the general sentiment, was seized with a wild desire of bringing relief to her sovereign in his present distresses. Her unexperienced mind, working day and night on this favourite object, mistook the impulses of passion for heavenly inspirations, and she fancied that she saw visions, and heard voices exhorting her to re-establish the throne of France, and to expel the foreign invaders. An uncommon intrepidity of temper made her overlook all the dangers which might attend her in such a path; and thinking herself destined by Heaven to this office, she threw aside all that bashfulness and timidity, so natural to her sex, her years, and her low station. She went to Vaucouleurs; procured admission to Baudricourt, the governor, informed him of her inspirations and intentions; and conjured him not to neglect the voice of God, who spoke through her, but to second those heavenly revelations, which impelled her to this glorious enterprise. Baudricourt, treated her at first with some neglect; but on her frequent returns to him, and importunate solicitations, he began to remark something extraordinary in the maid, and was inclined, at all hazards, to make so easy an experiment. It is uncertain whether this gentleman had discernment enough to perceive, that great use might be made with the vulgar of so uncommon an engine; or, what is more likely, in that credulous age, was himself a convert to this visionary; but he adopted at last the schemes of Joan; and he gave her some attendants, who conducted her to the French court, which at that time resided at Chinon.

It is the business of history to distinguish between the miraculous and the marvellous to reject the first in all narrations merely profane and human; to doubt the second; and when obliged by unquestionable testimony, as in the present case, to admit of something extraordinary, to receive as little of it as is consistent with the known facts and cir-

<sup>1</sup> Hall, fol 107, Monstrelet, vol ii, p 42, Grafton, p 534

cumstances. It is pretended, that Joan, immediately on her admission, knew the king, though she had never seen his face before, and though he purposely kept himself in the crowd of courtiers, and had laid aside everything in his dress and apparel which might distinguish him. That she offered him, in the name of the supreme Creator, to raise the siege of Orleans, and conduct him to Rheims to be there crowned and anointed; and on his expressing doubts of her mission, revealed to him, before some sworn confidants, a secret, which was unknown to all the world beside himself, and which nothing but a heavenly inspiration could have discovered to her; and that she demanded, as the instrument of her future victories, a particular sword, which was kept in the church of St. Catharine of Fierbois, and which, though she had never seen it, she described by all its marks, and by the place in which it had long lain neglected (Hall, fol. 107; Holingshed, p. 600). This is certain, that all these miraculous stories were spread abroad, in order to captivate the vulgar. The more the king and his ministers were determined to give in to the allusion, the more scruples they pretended. An assembly of grave doctors and theologians cautiously examined Joan's mission, and pronounced it undoubted and supernatural. She was sent to the parliament, then residing at Poitiers; and was interrogated before that assembly. The presidents, the counsellors, who came persuaded of her imposture, went away convinced of her inspiration. A ray of hope began to break through that despair in which the minds of all men were before enveloped. Heaven had now declared itself in favour of France, and had laid bare its outstretched arm to take vengeance on her invaders. Few could distinguish between the impulse of inclination and the force of conviction, and none would submit to the trouble of so disagreeable a scrutiny.

After these artificial precautions and preparations had been for some time employed, Joan's requests were at last complied with. She was armed cap-a-pie, mounted on horseback, and shown in that martial habiliment before the whole people. Her dexterity in managing her steed, though acquired in her former occupation, was regarded as a fresh proof of her mission; and she was received with the loudest acclamations by the spectators. Her former occupation was even denied. She was no longer the servant of an inn. She was converted into a shepherdess, an employment much more agreeable to the imagination. To render her still more interesting, near ten years were subtracted from her age, and all the sentiments of love and of chivalry were thus united to those of enthusiasm, in order to inflame the fancy of the people with prepossessions in her favour.

When the engine was thus dressed up in full splendour, it was determined to essay its force against the enemy. Joan was sent to Blois, where a large convoy was prepared for the supply of Orleans, and an army of 10,000 men, under the command of St. Sever, assembled to escort it. She ordered all the soldiers to confess themselves before they set out on the enterprise. She banished from the camp all women of bad fame. She displayed in her hands a consecrated banner, where the Supreme Being was represented grasping the globe of earth, and surrounded with flower-de-luces; and she insisted in right of her prophetic mission, that the convoy should enter Orleans by the direct

road from the side of Beausse; but the Count of Dunois, unwilling to submit the rules of the military art to her inspirations, ordered it to approach by the other side of the river, where, he knew, the weakest part of the English army was stationed.

Previous to this attempt, the maid had written to the regent, and to the English generals before Orleans, commanding them, in the name of the omnipotent Creator, by whom she was commissioned, immediately to raise the siege, and to evacuate France; and menacing them with Divine vengeance in case of their disobedience. All the English affected to speak with derision of the maid, and of her heavenly commission; and said, that the French king was now indeed reduced to a sorry pass, when he had recourse to such ridiculous expedients; but they felt their imagination secretly struck with the vehement persuasion which prevailed in all around them; and they waited with an anxious expectation, not unmixed with horror, for the issue of these extraordinary preparations.

As the convoy approached the river, a sally was made by the garrison (April 29) on the side of Beausse, to prevent the English general from sending any detachment to the other side. The provisions were peaceably embarked in boats, which the inhabitants of Orleans had sent to receive them. The maid covered with her troops the embarkation. Suffolk did not venture to attack her, and the French general carried back the army in safety to Blois; an alteration of affairs which was already visible to all the world, and which had a proportional effect on the minds of both parties.

The maid entered the city of Orleans arrayed in her military garb, and displaying her consecrated standard; and was received as a celestial deliverer by all the inhabitants. They now believed themselves invincible under her influence; and Dunois himself, perceiving such a mighty alteration both in friends and foes, consented that the next convoy, which was expected in a few days (May 4), should enter by the side of Beausse. The convoy approached, no sign of resistance appeared in the besiegers. The waggons and troops passed without interruption between the redoubts of the English. A dead silence and astonishment reigned among those troops, formerly so elated with victory, and so fierce for the combat.

The Earl of Suffolk was in a situation very unusual and extraordinary, and which might well confound the man of the greatest capacity and firmest temper. He saw his troops overawed, and strongly impressed with the idea of a Divine influence accompanying the maid. Instead of banishing these vain terrors by hurry, and action, and war, he waited till the soldiers should recover from the panic; and he thereby gave leisure for those prepossessions to sink still deeper into their minds. The military maxims, which are prudent in common cases, deceived him in these unaccountable events. The English felt their courage daunted and overwhelmed; and thence inferred a Divine vengeance hanging over them. The French drew the same inference from an inactivity so new and unexpected. Every circumstance was now reversed in the opinions of men, on which all depends. The spirit resulting from a long course of uninterrupted success was on a sudden transferred from the victors to the vanquished.

The maid called aloud, that the garrison should remain no longer on the defensive; and she promised her followers the assistance of Heaven in attacking those redoubts of the enemy which had so long kept them in awe, and which they had never hitherto dared to insult. The generals seconded her ardour. An attack was made on one redoubt, and it proved successful (Monstrelet, vol. ii., p. 45). All the English who defended the entrenchments were put to the sword or taken prisoners; and Sir John Talbot himself, who had drawn together, from the other redoubts, some troops to bring them relief, durst not appear in the open field against so formidable an enemy.

Nothing, after this success, seemed impossible to the maid and her enthusiastic votaries. She urged the generals to attack the main body of the English in their entrenchments; but Dunois, still unwilling to hazard the fate of France by too great temerity, and sensible that the least reverse of fortune would make all the present visions evaporate, and restore everything to its former condition, checked her vehemence, and proposed to her first to expel the enemy from their forts on the other side of the river, and thus lay the communication with the country entirely open, before she attempted any more hazardous enterprise. Joan was persuaded, and these forts were vigorously assailed. In one attack the French were repulsed; the maid was left almost alone; she was obliged to retreat, and join the runaways; but displaying her sacred standard, and animating them with her countenance, her gestures, her exhortations, she led them back to the charge, and overpowered the English in their entrenchments. In the attack of another fort, she was wounded in the neck with an arrow, she retreated a moment behind the assailants; she pulled out the arrow with her own hands; she had the wound quickly dressed, and she hastened back to head the troops, and to plant her victorious banner on the ramparts of the enemy.

By all these successes, the English were entirely chased from their fortifications on that side; they had lost above 6000 men in these different actions; and, what was still more important, their wonted courage and confidence was wholly gone, and had given place to amazement and despair. The maid returned triumphant over the bridge, and was again received as the guardian angel of the city. After performing such miracles, she convinced the most obdurate incredulity of her Divine mission: men felt themselves animated as by a superior energy, and thought nothing impossible to that Divine hand which so visibly conducted them. It was in vain even for the English generals to oppose with their soldiers the prevailing opinion of supernatural influence; they themselves were probably moved by the same belief; the utmost they dared to advance was, that Joan was not an instrument of God; she was only the implement of the devil; but as the English had felt, to their sad experience, that the devil might be allowed sometimes to prevail, they derived not much consolation from the enforcing of this opinion.

It might prove extremely dangerous for Suffolk, with such intimidated troops, to remain any longer in the presence of so courageous and victorious an enemy; he therefore raised the siege, and retreated with all the precaution imaginable. The French resolved to push their

conquests, and to allow the English no leisure to recover from their consternation. Charles formed a body of 6000 men, and sent them to attack Jargeau, whither Suffolk had retired with a detachment of his army. The siege lasted ten days, and the place was obstinately defended. Joan displayed her wonted intrepidity on the occasion. She descended into the fosse in leading the attack, and she there received a blow on the head with a stone, by which she was confounded and beaten to the ground; but she soon recovered herself; and in the end rendered the assault successful; Suffolk was (May 8) obliged to yield himself prisoner to a Frenchman called Renaud; but, before he submitted, he asked his adversary, whether he were a gentleman? On receiving a satisfactory answer, he demanded, whether he were a knight? Renaud replied, that he had not yet attained that honour. 'Then I make you one,' replied Suffolk. upon which he gave him the blow with his sword, which dubbed him into that fraternity; and he immediately surrendered himself his prisoner.

The remainder of the English army was commanded by Fastolfe, Scales, and Talbot, who thought of nothing but of making their retreat as soon as possible into a place of safety, while the French esteemed the overtaking them equivalent to a victory. So much had the events which passed before Orleans altered everything between the two nations! The vanguard of the French, under Richemont and Xaintrailles, attacked the rear of the enemy at the village of Patay. The battle lasted not a moment. The English (June 18, 1429) were discomfited, and fled. The brave Fastolfe himself showed the example of flight to his troops, and the order of the garter was taken from him, as a punishment for this instance of cowardice (Monstrelet, vol. II., p. 46). Two thousand men were killed in this action, and both Talbot and Scales taken prisoners.

In the account of all these successes, the French writers, to magnify the wonder, represent the maid (who was now known by the appellation of the Maid of Orleans) as not only active in combat, but as performing the office of general, directing the troops, conducting the military operations, and swaying the deliberations in all councils of war. It is certain, that the policy of the French court endeavoured to maintain this appearance with the public; but it is much more probable, that Dunois and the wiser commanders prompted her in all her measures, than that a country girl, without experience or education, could on a sudden, become expert in a profession which requires more genius and capacity than any other active scene of life. It is sufficient praise that she could distinguish the persons on whose judgment she might rely, that she could seize their hints and suggestions, and, on a sudden, deliver their opinions as her own, and that she could curb on occasion that visionary and enthusiastic spirit with which she was actuated, and could temper it with prudence and discretion.

The raising of the siege of Orleans was one part of the maid's promise to Charles, the crowning of him at Rheims was the other; and she now vehemently insisted that he should forthwith set out on that enterprise. A few weeks before, such a proposal would have appeared the most extravagant in the world. Rheims lay in a distant quarter of the kingdom; was then in the hands of a victorious enemy;

the whole road which led to it was occupied by their garrisons, and no man could be so sanguine as to imagine that such an attempt could so soon come within the bounds of possibility. But as it was extremely the interest of Charles to maintain the belief of something extraordinary and Divine in these events, and to avail himself of the present consternation of the English, he resolved to follow the exhortations of his warlike prophetess, and to lead his army upon this promising adventure. Hitherto he had kept remote from the scene of war. As the safety of the state depended upon his person, he had been persuaded to restrain his military ardour; but observing this prosperous turn of affairs, he now determined to appear at the head of his armies, and to set the example of valour to all his soldiers. And the French nobility saw at once their young sovereign assuming a new and more brilliant character, seconded by fortune, and conducted by the hand of Heaven; and they caught fresh zeal to exert themselves in replacing him on the throne of his ancestors.

Charles set out for Rheims at the head of twelve thousand men. He passed by Troye, which opened its gates to him. Chalons imitated the example. Rheims sent him a deputation with its keys, before his approach to it; and he scarcely perceived as he passed along, that he was marching through an enemy's country. The ceremony of his coronation was (July 17) here performed (Monstrelet, vol. ii., p. 48) with the holy oil, which a pigeon had brought to King Clovis from heaven on the first establishment of the French monarchy. The Maid of Orleans stood by his side in complete armour, and displayed her sacred banner, which had so often dissipated and confounded his fiercest enemies; and the people shouted with the most unfeigned joy on viewing such a complication of wonders. After the completion of the ceremony, the maid threw herself at the king's feet, embraced his knees, and with a flood of tears, which pleasure and tenderness extorted from her, she congratulated him on this singular and marvellous event.

Charles, thus crowned and anointed, became more respectable in the eyes of all his subjects, and seemed in a manner to receive anew, from a heavenly commission, his title to their allegiance. The inclinations of men swaying their belief, no one doubted of the inspirations and prophetic spirit of the maid. So many incidents which passed all human comprehension, left little room to question a superior influence; and the real and undoubted facts brought credit to every exaggeration which could scarcely be rendered more wonderful. Laon, Soissons, Chateau-Thierry, Provins, and many other towns and fortresses in that neighbourhood, immediately after Charles's coronation, submitted to him on the first summons, and the whole nation was disposed to give him the most zealous testimonies of their duty and affection.

Nothing can impress us with a higher idea of the wisdom, address, and resolution of the Duke of Bedford, than his being able to maintain himself in so perilous a situation, and to preserve some footing in France, after the defection of so many places, and amidst the universal inclination of the rest to imitate that contagious example. This prince seemed present everywhere by his vigilance and foresight. He employed every resource which fortune had yet left him; he put all the English garrisons in a posture of defence; he kept a watchful eye over



every attempt among the French towards an insurrection, he retained the Parisians in obedience, by alternately employing caresses and severity. And knowing that the Duke of Burgundy was already wavering in his fidelity, he acted with so much skill and prudence, as to renew, in this dangerous crisis, his alliance with that prince; an alliance of the utmost importance to the credit and support of the English government.

The small supplies which he received from England, set the talents of this great man in still a stronger light. The ardour of the English for foreign conquests was now extremely abated by time and reflection, the parliament seems even to have become sensible of the danger which might attend their farther progress, no supply of money could be obtained by the regent during his greatest distresses, and men enlisted slowly under his standard, or soon deserted, by reason of the wonderful accounts which had reached England, of the magic and sorcery and diabolical power of the Maid of Orleans (Rymer, vol. x, pp. 459, 472). It happened fortunately, in this emergency, that the Bishop of Winchester, now created a cardinal, landed at Calais with a body of 5000 men, which he was conducting into Bohemia, on a crusade against the Hussites. He was persuaded to lend these troops to his nephew during the present difficulties (Ibid., vol. x., p. 421), and the regent was thereby enabled to take the field, and to oppose the French King, who was advancing with his army to the gates of Paris.

The extraordinary capacity of the Duke of Bedford appeared also in his military operations. He attempted to restore the courage of his troops by boldly advancing to the face of the enemy; but he chose his posts with so much caution, as always to decline a combat, and to render it impossible for Charles to attack him. He still attended that prince in all his movements, covered his own towns and garrisons, and kept himself in a posture to reap advantage from every imprudence or false step of the enemy. The French army, which consisted mostly of volunteers, who served at their own expense, soon after retired, and was disbanded; Charles went to Bourges, the ordinary place of his residence; but not till he made himself master of Compiegne, Beauvais, Senlis, Sens, Laval, St. Denis, and of many places in the neighbourhood of Paris, which the affections of the people had put into his hands.

The regent endeavoured to revive the declining state of his affairs by bringing over the young King of England, and having him crowned and anointed at Paris (Ibid., vol. x, p. 432). All the vassals of the crown who lived within the provinces possessed by the English, swore a new allegiance, and did homage to him. But this ceremony was cold and insipid, compared with the lustre which had attended the coronation of Charles at Rheims; and the Duke of Bedford expected more effect from an accident, which put into his hands the person that had been the author of all his calamities.

The Maid of Orleans, after the coronation of Charles, declared to the Count of Dunois, that her wishes were now fully gratified, and that she had no further desire than to return to her former condition, and to the occupations and course of life which became her sex, but that nobleman, sensible of the great advantages which might still be reaped from her presence in the army, exhorted her to persevere, till, by the

final expulsion of the English, she had brought all her prophecies to their full completion. In pursuance of this advice, she threw herself into the town of Compiègne, which was at that time besieged by the Duke of Burgundy, assisted by the Earls of Arundel and Suffolk; and the garrison, on her appearance, believed themselves thenceforth invincible. But their joy was of short duration. The maid, next day (A.D. 1430, May 24) after her arrival, headed a sally upon the quarters of John of Luxembourg; she twice drove the enemy from their entrenchments; finding their numbers to increase every moment, she ordered a retreat, when hard pressed by the pursuers, she turned upon them, and made them again recoil, but being here deserted by her friends, and surrounded by the enemy, she was at last, after exerting the utmost valour, taken prisoner by the Burgundians (Stowe, p. 371). The common opinion was, that the French officers, finding the merit of every victory ascribed to her, had, in envy to her renown, by which they themselves were so much eclipsed, willingly exposed her to this fatal accident.

The envy of her friends, on this occasion, was not a greater proof of her merit than the triumph of her enemies. A complete victory would not have given more joy to the English and their partisans. The service of 'Te Deum,' which has so often been profaned by princes, was publicly celebrated, on this fortunate event, at Paris. The Duke of Bedford fancied, that by the captivity of that extraordinary woman, who had blasted all his successes, he should again recover his former ascendant over France, and, to push farther the present advantage, he purchased the captive from John of Luxembourg, and formed a prosecution against her, which, whether it proceeded from vengeance or policy, was equally barbarous and dishonourable.

There was no possible reason, why Joan should not be regarded as a prisoner of war, and be entitled to all the courtesy and good usage, which civilized nations practise towards enemies on these occasions. She had never, in her military capacity, forfeited, by any act of treachery or cruelty, her claim to that treatment, she was unstained by any civil crime; even the virtues and the very decencies of her sex had ever been rigidly observed by her; and though her appearing in war, and leading armies to battle, may seem an exception, she had thereby performed such signal service to her prince, that she had abundantly compensated for this irregularity, and was, on that very account, the more an object of praise and admiration. It was necessary, therefore, for the Duke of Bedford to interest religion some way in the prosecution, and to cover, under that cloak, his violation of justice and humanity.

The Bishop of Beauvais, a man wholly devoted to the English interests, presented a petition against Joan, on pretence that she was taken within the bounds of his diocese; and he desired to have her tried by an ecclesiastical court for sorcery, impiety, idolatry, and magic; the university of Paris was so mean as to join in the same request; several prelates, among whom the Cardinal of Winchester was the only Englishman, were appointed her judges, they held their court at Rouen, where the young King of England then resided, and the maid, clothed in her former military apparel, but loaded with irons, was produced before this tribunal.

She first desired to be eased of her chains, her judges answered, that she had once already attempted an escape, by throwing herself from a tower; she confessed the fact, maintained the justice of her intention, and owned that, if she could, she would still execute that purpose. All her other speeches showed the same firmness and intrepidity, though harassed with interrogatories during the course of near four months, she never betrayed any weakness or womanish submission; and no advantage was gained over her. The point which her judges pushed most vehemently, was her visions and revelations and intercourse with departed saints, and they asked her whether she would submit to the church the truth of these inspirations, she replied, that she would submit them to God, the fountain of truth. They then exclaimed, that she was a heretic, and denied the authority of the church. She appealed to the Pope, they rejected her appeal.

They asked her, why she put trust in her standard, which had been consecrated by magical incantations; she replied, that she put trust in the Supreme Being alone, whose image was impressed upon it. They demanded, why she carried in her hand that standard at the anointment and coronation of Charles at Rheims, she answered, that the person who had shared the danger, was entitled to share the glory. When accused of going to war, contrary to the decorums of her sex, and of assuming government and command over men; she scrupled not to reply, that her sole purpose was to defeat the English, and to expel them the kingdom. In the issue, she was condemned for all the crimes of which she had been accused, aggravated by heresy; her revelations were declared to be inventions of the devil; and she was sentenced to be delivered over to the secular arm.

Joan, so long surrounded by inveterate enemies, who treated her with every mark of contumely, brow-beaten and overawed by men of superior rank, and men invested with the ensigns of a sacred character, which she had been accustomed to revere, felt her spirit at last subdued; and those visionary dreams of inspiration, in which she had been buoyed up by the triumphs of success, and the applauses of her own party, gave way to the terrors of that punishment to which she was sentenced. She publicly declared herself willing to recant; she acknowledged the illusion of those revelations which the church had rejected, and she promised never more to maintain them. Her sentence was then mitigated; she was condemned to perpetual imprisonment, and to be fed during life on bread and water.

Enough was now done to fulfil all political views, and to convince both the French and the English, that the opinion of Divine influence, which had so much encouraged the one, and daunted the other, was entirely without foundation. But the barbarous vengeance of Joan's enemies was not satisfied with this victory. Suspecting, that the female dress, which she had now consented to wear, was disagreeable to her, they purposely placed in her apartment a suit of men's apparel; and watched for the effects of that temptation upon her. On the sight of a dress in which she had acquired so much renown, and which, she once believed, she wore by the particular appointment of Heaven, all her former ideas and passions revived; and she ventured in her solitude to clothe herself again in the forbidden garment. Her insidious

enemies caught her in that situation ; her fault was interpreted to be no less than a relapse into heresy, no recantation would now suffice, and no pardon could be granted her. She was condemned to be burned in the market-place of Rouen ; and the infamous sentence was accordingly executed. This admirable heroine, to whom the more generous superstition of the ancients would have erected altars, was, on pretence of heresy and magic, delivered over alive to the flames, and (A.D. 1431, June 14) expiated, by that dreadful punishment, the signal services which she had so heroically rendered to her prince and to her native country.

The affairs of the English, far from being advanced by this execution, went every day more and more to decay, the great abilities of the regent were unable to resist the strong inclination which had seized the French, to return under the obedience of their rightful sovereign, and which that act of cruelty was ill fitted to remove. Chartres was surprised by a stratagem of the Count of Dunois ; a body of the English under Lord Willoughby, was defeated at St. Celesin upon the Sarthe (Monstrelet, vol. i., p. 100). The fair in the suburbs of Caen, seated in the midst of the English territories, was pillaged by De Lore, a French officer ; the Duke of Bedford himself was obliged by Dunois to raise the siege of Lagny, with some loss of reputation ; and all these misfortunes though light, yet being continued and uninterrupted, brought discredit on the English, and menaced them with an approaching revolution. But the chief detriment which the regent sustained, was by the death of his duchess, who had hitherto preserved some appearance of friendship between him and her brother, the Duke of Burgundy (Ibid, p. 87), and his marriage soon afterwards with Jaqueline of Luxembourg, was the beginning of a breach between them (Stowe, p. 373, Grafton, p. 554), Philip complained that the regent had never had the civility to inform him of his intentions, and that so sudden a marriage was a slight on his sister's memory. The Cardinal of Winchester mediated a reconciliation between these princes, and brought both of them to St. Omer for that purpose. The Duke of Bedford here expected the first visit, both as he was son, brother, and uncle to a king, and because he had already made such advances as to come into the Duke of Burgundy's territories, in order to have an interview with him ; but Philip, proud of his great power and independent dominions, refused to pay this compliment to the regent ; and the two princes, unable to adjust the ceremonial, parted without seeing each other (Monstrelet, vol. ii., p. 90). A bad prognostic of their cordial intention to renew past amity !

Nothing could be more repugnant to the interests of the house of Burgundy, than to unite the crowns of France and England on the same head, an event which, had it taken place, would have reduced the duke to the rank of a petty prince, and have rendered his situation entirely dependant and precarious. The title also to the crown of France, which after the failure of the elder branches, might accrue to the duke or his posterity, had been sacrificed by the treaty of Troye, and strangers and enemies were thereby irrevocably fixed upon the throne. Revenge alone had carried Philip into these impolitic measures, and a point of honour had hitherto induced him to maintain

them. But as it is the nature of passion gradually to decay, while the sense of interest maintains a permanent influence and authority; the duke had for some years appeared sensibly to relent in his animosity against Charles, and to hearken willingly to the apologies made by that prince for the murder of the late Duke of Burgundy. His extreme youth was pleaded in his favour, his incapacity to judge for himself, the ascendant gained over him by his ministers, and his inability to resent a deed, which without his knowledge had been perpetrated by those under whose guidance he was then placed. The more to flatter the pride of Philip, the King of France had banished from his court and presence Tanegui de Chatel, and all those who were concerned in that assassination, and had offered to make every other atonement which could be required of him. The distress which Charles had already suffered, had tended to gratify the duke's revenge; the miseries to which France had been so long exposed had begun to move his compassion; and the cries of all Europe admonished him, that his resentment, which might hitherto be deemed pious, would if carried farther, be universally condemned as barbarous and unrelenting. While the duke was in this disposition, every disgust which he received from England made a double impression upon him; the entreaties of the Count of Richemont and the Duke of Bourbon, who had married his two sisters, had weight; and he finally determined to unite himself to the royal family of France, from which his own was descended. For this purpose a congress was (A. D. 1435) appointed at Arras under the mediation of deputies from the Pope and the council of Basle; the Duke of Burgundy came thither in person; the Duke of Bourbon, the Count of Richemont, and other persons of high rank, appeared as ambassadors from France; and the English having also been invited to attend, the Cardinal of Winchester, the Bishops of Norwich and St. David's, the Earls of Huntingdon and Suffolk, with others, received from the protector and council a commission for that purpose (Rymer, vol. x., pp. 611, 612).

The conferences were (Aug.) held in the abbey of St. Vaast, and began with discussing the proposals of the two crowns, which were so wide of each other as to admit of no hopes of accommodation. France offered to cede Normandy with Guienne, but both of them loaded with the usual homage and vassalage to the crown. As the claims of England upon France were universally unpopular in Europe, the mediators declared the offers of Charles very reasonable; and the Cardinal of Winchester with the other English ambassadors, without giving a particular detail of their demands, immediately left the congress. There remained nothing but to discuss the mutual pretensions of Charles and Philip. These were easily adjusted; the vassal was in a situation to give law to his superior, and he exacted conditions, which had it not been for the present necessity, would have been deemed to the last degree dishonourable and disadvantageous to the crown of France. Besides making repeated atonements and acknowledgments for the murder of the Duke of Burgundy, Charles was obliged to cede all the towns of Picardy which lay between the Somme and the Low Countries; he yielded several other territories; he agreed that these and all the other dominions of Philip should be held by him during

his life, without doing any homage or swearing fealty to the present king, and he freed his subjects from all obligations to allegiance, if ever he infringed this treaty (Monstrelet, vol. ii., p. 112; Grafton, p. 365). Such were the conditions upon which France purchased the friendship of the Duke of Burgundy.

The duke sent a herald to England with a letter, in which he notified the conclusion of the treaty of Arras, and apologized for his departure from that of Troye. The council received the herald with great coldness; they even assigned him his lodgings in a shoemaker's house by way of insult, and the populace were so incensed, that if the Duke of Gloucester had not given him guards, his life had been exposed to danger when he appeared in the streets. The Flemings and other subjects of Philip were insulted, and some of them murdered by the Londoners; and everything seemed to tend towards a rupture between the two nations (Monstrelet, vol. ii., p. 120; Hollingshed, p. 612). These violences were not disagreeable to the Duke of Burgundy, as they afforded him a pretence for the further measures which he intended to take against the English, whom he now regarded as implacable and dangerous enemies.

A few days after the Duke of Bedford received intelligence of this treaty, so fatal to the interests of England, he died (Sept. 14, 1435) at Rouen; a prince of great abilities and of many virtues; and whose memory, except from the barbarous execution of the Maid of Orleans, was unsullied by any considerable blemish. Isabella, Queen of France, died a little before him, despised by the English, detested by the French, and reduced in her later years to regard, with an unnatural horror, the progress and successes of her own son, in recovering possession of his kingdom. This period was also signalized by the death of the Earl of Arundel (Monstrelet, vol. ii., p. 105; Hollingshed, p. 610), a great English general, who, though he commanded three thousand men, was foiled by Xaintrailles at the head of 600, and soon after expired of the wounds which he received in the action.

The violent factions, which (1436) prevailed between the Duke of Gloucester and the Cardinal of Winchester, prevented the English from taking the proper measures for repairing these multiplied losses, and threw all their affairs into confusion. The popularity of the duke, and his near relation to the crown, gave him advantages in the contest, which he often lost by his open and unguarded temper, unfit to struggle with the politic and interested spirit of his rival. The balance, meanwhile, of these parties, kept everything in suspense; foreign affairs were much neglected; and though the Duke of York, son to that earl of Cambridge who was executed in the beginning of the last reign, was appointed successor to the Duke of Bedford, it was seven months before his commission passed the seals; and the English remained so long in an enemy's country, without a proper head or governor.

The new governor on his arrival found the capital already lost. The Parisians had always been more attached to the Burgundian than to the English interest, and after the conclusion of the treaty of Arras, their affections without any further control, universally led them to return to their allegiance under their native sovereign. The constable, together with Lillo-Adam, the same person who had before put Paris into

the hands of the Duke of Burgundy, was introduced in the night-time by intelligence with the citizens. Lord Willoughby, who commanded only a small garrison of 1500 men, was expelled. This nobleman discovered valour and presence of mind on the occasion; but unable to guard so large a place against such multitudes, he retired into the Bastile, and being there invested, he delivered up that fortress, and was contented to stipulate for the safe retreat of his troops into Normandy (Monstrelet, vol. ii. p. 127; Grafton, p. 563).

In the same season the Duke of Burgundy openly took part against England, and commenced hostilities by the siege of Calais, the only place which now gave the English any sure hold of France, and still rendered them dangerous. As he was beloved among his own subjects, and had acquired the epithet of Good from his popular qualities, he was able to interest all the inhabitants of the Low Countries in the success of this enterprise; and he invested that place with an army formidable from its numbers, but without experience, discipline, or military spirit.<sup>1</sup> On the first alarm of this siege, the Duke of Gloucester assembled some forces, sent a defiance to Philip, and challenged him to wait the event of a battle, which he promised to give as soon as the wind would permit him to reach Calais. The wailike genius of the English had at that time rendered them terrible to all the northern parts of Europe, especially to the Flemings, who were more expert in manufactures than in arms; and the Duke of Burgundy being already foiled in some attempts before Calais, and observing the discontent and terror of his own army, thought proper (June 26) to raise the siege, and to retreat before the arrival of the enemy (Monstrelet, vol. ii., p. 136; Holingshed's Chronicle, p. 614).

The English were still masters of many fine provinces in France, but retained possession more by the extreme weakness of Charles, than by the strength of their own garrisons, or the force of their armies. Nothing indeed can be more surprising than the feeble efforts made during the course of several years by these two potent nations against each other, while the one struggled for independence, and the other aspired to a total conquest of its rival. The general want of industry, commerce, and police, in that age, had rendered all the European nations, and France and England no less than the others, unfit for bearing the burdens of war, when it was prolonged beyond one season; and the continuance of hostilities had long ere this time, exhausted the force and patience of both kingdoms. Scarcely could the appearance of an army be brought into the field on either side; and all the operations consisted in the surprisal of places, in the rencounter of detached parties, and in incursions upon the open country, which were performed by small bodies, assembled on a sudden from the neighbouring garrisons. In this method of conducting the war, the French king had much the advantage; the affections of the people were entirely on his side; intelligence was early brought him of the state and motions of the enemy; the inhabitants were ready to join in any attempts against the garrisons; and thus ground was continually, though slowly, gained upon the English. The Duke of York, who was a prince of abilities, struggled against these difficulties

<sup>1</sup> Monstrelet, vol. ii., p. 126, 130, 132; Holingshed, p. 613, Grafton, p. 571.

during the course of five years; and being assisted by the valour of Lord Talbot, soon after created Earl of Shrewsbury, he performed actions which acquired him honour, but merit not the attention of posterity. It would have been well, had this feeble war, in sparing the blood of the people, prevented likewise all other oppressions, and had the fury of men which reason and justice cannot restrain, thus happily received a check from their impotence and inability. But the French and English, though they exerted such small force, were, however, stretching beyond their resources, which were still smaller; and the troops destitute of pay, were obliged to subsist by plundering and oppressing the country both of friends and enemies. The fields in all the north of France, which was the seat of war, were (A.D. 1440) laid waste and left uncultivated (Grafton, p. 562). The cities were gradually depopulated, not by the blood spilt in battle, but by the more destructive pillage of the garrisons;<sup>1</sup> and both parties, weary of hostilities which decided nothing, seemed at last desirous of peace, and they set on foot negotiations for that purpose. But the proposals of France, and the demands of England, were still so wide of each other, that all hope of accommodation immediately vanished. The English ambassadors demanded restitution of all the provinces which had once been annexed to England, together with the final cession of Calais and its district; and required the possession of these extensive territories without the burden of any fealty or homage on the part of their prince; the French offered only part of Guienne, part of Normandy, and Calais, loaded with the usual burdens. It appeared in vain to continue the negotiations while there was so little prospect of agreement. The English were still too haughty to stoop from the vast hopes which they had formerly entertained, and to accept of terms more suitable to the present condition of the two kingdoms.

The Duke of York soon after resigned his government to the Earl of Warwick, a nobleman of reputation, whom death prevented from long enjoying this dignity. The duke, upon the demise of that nobleman, returned to his charge, and, during his administration, a truce was concluded between the King of England and the Duke of Burgundy, which had become necessary for the commercial interests of their subjects (Grafton, p. 573). The war with France continued in the same languid and feeble state as before.

The captivity of five princes of the blood, taken prisoners in the battle of Agincourt, was a considerable advantage which England long enjoyed over its enemies; but this superiority was now entirely lost. Some of these princes had died; some had been ransomed, and the Duke of Orleans, the most powerful among them, was the last that remained in the hands of the English. He offered the sum of 54,000 nobles<sup>2</sup> for his liberty; and when this proposal was laid before the

<sup>1</sup> Fortescue, who soon after this period, visited France, in the train of Prince Henry, speaks of that kingdom as a desert in comparison of England. *Treatise de laudibus Anglie*. Though we make allowance for the partialities of Fortescue, there must have been some foundation for his account, and these destructive wars are the most likely reason to be assigned for the difference remarked by this author.

<sup>2</sup> Rymer, vol. x., p. 764, 776, 782, 795, 796. This sum was equal to 36,000*l.* sterling of our present money. A subsidy of a tenth and fifteenth was fixed by Edw. III. at 29,000*l.*, which, in the reign of Hen. VI. made only 58,000*l.* of our present money. The parliament granted only one subsidy during the course of seven years, from 1437 to 1444.



council of England, as every question was there an object of faction, the party of the Duke of Gloucester, and that of the Cardinal of Winchester, were divided in their sentiments with regard to it. The duke reminded the council of the dying advice of the late king, that none of these prisoners should on any account be released, till his son should be of sufficient age to hold, himself, the reins of government. The cardinal insisted on the greatness of the sum offered, which, in reality, was near equal to two-thirds of all the extraordinary supplies that the parliament, during the course of seven years, granted for the support of the war. And he added, that the release of this prince was more likely to be advantageous than prejudicial to the English interests; by filling the court of France with faction, and giving a head to those numerous malcontents whom Charles was at present able, with great difficulty, to restrain. The cardinal's party as usual, prevailed, the Duke of Orleans was released, after a melancholy captivity of twenty-five years (Grafton, p. 578). And the Duke of Burgundy, as a pledge of his entire reconciliation with the family of Orleans, facilitated to that prince the payment of his ransom. It must be confessed, that the princes and nobility in those ages went to war on very disadvantageous terms. If they were taken prisoners, they either remained in captivity during their life, or purchased their liberty at the price which the victors were pleased to impose, and which often reduced their families to want and beggary.

The sentiments of the cardinal, some time after, prevailed in another point of still greater moment. That prelate had always encouraged every proposal of accommodation with France; and had represented the utter impossibility, in the present circumstances, of pushing further the conquests in that kingdom, and the great difficulty of even maintaining those which were already made. He insisted on the extreme reluctance of the parliament to grant supplies; the disorders in which the English affairs in Normandy were involved; the daily progress made by the French king; and the advantage of stopping his hand by a temporary accommodation, which might leave room for time and accidents to operate in favour of the English. The Duke of Gloucester, high-spirited and haughty, and educated in the lofty pretensions which the first successes of his two brothers had rendered familiar to him, could not yet be induced to relinquish all hopes of prevailing over France; much less could he see, with patience, his own opinion thwarted and rejected by the influence of his rival in the English council. But, notwithstanding his opposition, the Earl of Suffolk, a nobleman who adhered to the cardinal's party, was despatched to Tours, in order to negotiate with the French ministers. It was found impossible to adjust the terms of a lasting peace; but a truce for twenty-two months was (May 28) concluded, which left everything on the present footing between the parties. The numerous disorders under which the French government laboured, and which time alone could remedy, induced Charles to assent to this truce; and the same motives engaged him afterwards to prolong it (Rymer, vol. xi., pp. 101, 108, 206, 214). But Suffolk, not content with executing this object of his commission, proceeded also to finish another business; which seems rather to have been implied than expressed in the powers that had been granted him (*Ibid.*, p. 53).

In proportion as Henry advanced in years, his character became fully known in the court, and was no longer ambiguous to either faction. Of the most harmless, inoffensive, simple manners, but of the most slender capacity; he was fitted, both by the softness of his temper, and the weakness of his understanding, to be perpetually governed by those who surrounded him; and it was easy to foresee that his reign would prove a perpetual minority. As he had now reached the twenty-third year of his age, it was natural to think of choosing him a queen; and each party was ambitious of having him receive one from their hand; as it was probable that this circumstance would decide, for ever, the victory between them. The Duke of Gloucester proposed a daughter of the Count of Armagnac; but had not credit to effect his purpose. The cardinal and his friends had cast their eye on Margaret of Anjou, daughter of Regnier, titular King of Sicily, Naples, and Jerusalem, descended from the Count of Anjou, brother of Charles V., who had left these magnificent titles, but without any real power or possessions, to his posterity. This princess herself was the most accomplished of her age, both in body and mind, and seemed to possess those qualities which would equally qualify her to acquire the ascendant over Henry, and to supply all his defects and weaknesses. Of a masculine, courageous spirit, of an enterprising temper, endowed with solidity as well as vivacity of understanding, she had not been able to conceal these great talents even in the privacy of her father's family, and it was reasonable to expect, that when she should mount the throne, they would break out with still superior lustre. The Earl of Suffolk, therefore, in concert with his associates of the English council, made proposals of marriage to Margaret, which were accepted. But this nobleman, besides preoccupying the princess's favour, by being the chief means of her advancement, endeavoured to ingratiate himself with her and her family, by very extraordinary concessions; though Margaret brought no dowry with her, he ventured, of himself, without any direct authority from the council, but probably with the approbation of the cardinal and the ruling members, to engage, by a secret article, that the province of Maine, which was at that time in the hands of the English, should be ceded to Charles of Anjou, her uncle (Grafton, p. 590), who was prime minister and favourite of the French King, and who had already received from his master the grant of that province as his appanage.

The treaty of marriage was ratified in England. Suffolk obtained first the title of marquis, then that of duke; and even received the thanks of parliament for his services in concluding it (Cotton, p. 630). The princess fell immediately into close connections with the cardinal and his party, the Dukes of Somerset, Suffolk, and Buckingham (Hollingshed, p. 626), who fortified by her powerful patronage, resolved on the final ruin of the Duke of Gloucester.

This generous prince, woisted in all court intrigues for which his temper was not suited, but possessing in a high degree the favour of the public, had already received from his rivals a cruel mortification which he had hitherto borne without violating public peace, but which it was impossible that a person of his spirit and humanity could ever forgive. His duchess, the daughter of Reginald, Lord Cobham, had

been accused of the crime of witchcraft, and it was pretended that there was found in her possession a waxen figure of the king, which she and her associates, Sir Roger Bolingbroke, a priest, and one Margery Jordan, of Eye, melted in a magical manner before a slow fire, with an intention of making Henry's force and vigour waste away by like insensible degrees. The accusation was well calculated to affect the weak and credulous mind of the king, and to gain belief in an ignorant age; and the Duchess was brought to trial with her confederates. The nature of this crime, so opposite to all common sense, seems always to exempt the accusers from observing the rules of common sense in their evidence. The prisoners were pronounced guilty; the duchess was condemned to do public penance, and to suffer perpetual imprisonment; the others were executed.<sup>1</sup> But as these violent proceedings were ascribed solely to the malice of the duke's enemies, the people, contrary to their usual practice in such marvellous trials, acquitted the unhappy sufferers, and increased their esteem and affection towards a prince who was thus exposed, without protection, to those mortal injuries.

These sentiments of the public made the Cardinal of Winchester and his party sensible that it was necessary to destroy a man whose popularity might become dangerous, and whose resentment they had so much cause to apprehend. In order to effect their purpose, a parliament was summoned to meet, not at London, which was supposed to be too well affected to the duke, but at St. Edmondsbury, where they expected that he would lie entirely at their mercy. As soon as he appeared, he was accused of treason and thrown into prison. He was soon after (Feb. 28) found dead in his bed (Grafton, p. 597); and though it was pretended that his death was natural, and though his body, which was exposed to public view, bore no marks of outward violence, no one doubted but he had fallen a victim to the vengeance of his enemies. An artifice, formerly practised in the case of Edward II., Richard II., and Thomas of Woodstock, Duke of Gloucester, could deceive nobody. The reason of this assassination of the duke seems not that the ruling party apprehended his acquittal in parliament on account of his innocence, which in such times was seldom much regarded, but that they imagined his public trial and execution would have been more invidious than his private murder which they pretended to deny. Some gentlemen of his retinue were afterwards tried as accomplices in his treasons, and were condemned to be hanged, drawn, and quartered. They were hanged and cut down; but just as the executioner was proceeding to quarter them, their pardon was produced and they were recovered to life (Fabian Chron., an. 1447). The most barbarous kind of mercy that can possibly be imagined!

This prince is said to have received a better education than was usual in his age, to have founded one of the first public libraries in England, and to have been a great patron of learned men. Among other advantages which he reaped from this turn of mind—it tended much to cure him of credulity, of which the following instance is given by Sir Thomas More. There was a man who pretended that though he was born blind, he had recovered his sight by touching the shrine.

<sup>1</sup> Stowe, p. 382; Hollingshed, p. 622; Grafton, p. 587.

of St. Albans. The duke, happening soon after to pass that way, questioned the man, and seeming to doubt of his sight, asked him the colours of several cloaks worn by persons of his retinue. The man told them very readily. 'You are a knave,' cried the prince; 'had you been born blind, you could not so soon have learned to distinguish colours,' and immediately ordered him to be set in the stocks as an impostor (Grafton, p. 597).

The Cardinal of Winchester died six weeks after his nephew, whose murder was universally ascribed to him as well as to the Duke of Suffolk, and which, it is said, gave him more remorse in his last moments than could naturally be expected from a man hardened during the course of a long life in falsehood and in politics. What share the queen had in this guilt is uncertain; her usual activity and spirit made the public conclude, with some reason, that the duke's enemies durst not have ventured on such a deed without her privy. But there happened soon after an event of which she and her favourite, the Duke of Suffolk, bore incontestibly the whole odium.

That article of the marriage treaty by which the province of Maine was to be ceded to Charles of Anjou, the queen's uncle, had probably been hitherto kept secret; and during the lifetime of the Duke of Gloucester it might have been dangerous to venture on the execution of it. But as the court of France strenuously insisted on performance, orders were now despatched under Henry's hand to Sir Francis Surienne, governor of Mans, commanding him to surrender that place to Charles of Anjou. Surienne, either questioning the authenticity of the order or regarding his government as his sole fortune, refused compliance; and it became necessary for a French army, under the Count of Dunois, to lay siege to the city. The governor made as good a defence as his situation could permit; but receiving no relief from Edmund, Duke of Somerset, who was at that time governor of Normandy, he was at last obliged to capitulate, and to surrender not only Mans, but all the other fortresses of that province, which was thus entirely alienated from the crown of England.

The bad effects of this measure stopped not here. Surienne, at the head of all his garrisons, amounting to 2500 men, retired into Normandy in expectation of being taken into pay and of being quartered in some towns of that province. But Somerset, who had no means of subsisting such a multitude and who was probably incensed at Surienne's disobedience, refused to admit him; and this adventurer, not daring to commit depredations on the territories either of the King of France or of England, marched into Brittany, seized the town of Fougères, repaired the fortifications of Pontorson and St. James de Beuvron, and subsisted his troops by the ravages which he exercised on that whole province (Monstrelet, vol. iii., p. 6). The Duke of Brittany complained of this violence to the King of France, his liege lord; Charles remonstrated with the Duke of Somerset. That nobleman replied that the injury was done without his privy, and that he had no authority over Surienne and his companions (Monstrelet, vol. iii., p. 7; Holingshed, p. 629). Though this answer ought to have appeared satisfactory to Charles, who had often felt severely the licentious, independent spirit of such mercenary soldiers, he never would admit of the

apology. He still insisted that these plunderers should be recalled, and that reparation should be made to the Duke of Brittany for all the damages which he had sustained, and in order to render an accommodation absolutely impracticable, he made the estimation of damages amount to no less a sum than 1,600,000 crowns. He was sensible of the superiority the present state of his affairs gave him over England; and he determined to take advantage of it.

No sooner was the truce concluded between the two kingdoms, than Charles employed himself, with great industry and judgment, in repairing those numberless ills to which France, from the continuance of wars both foreign and domestic, had so long been exposed. He restored the course of public justice; he introduced order into the finances; he established discipline in his troops, he repressed faction in his court, he revived the languid state of agriculture and the arts; and, in the course of a few years, he rendered his kingdom flourishing within itself, and formidable to its neighbours. Meanwhile, affairs in England had taken a very different turn. The court was divided into parties, which were enraged against each other, the people were discontented with the government, conquests in Fiance, which were an object more of glory than of interest, were overlooked amidst domestic incidents which engrossed the attention of all men, the governor of Normandy, ill supplied with money, was obliged to dismiss the greater part of his troops, and to allow the fortifications of the towns and castles to become ruinous; and the nobility and people of that province had, during the late open communication with France, enjoyed frequent opportunities of renewing connections with their ancient master, and of concerting the means for expelling the English. The occasion, therefore, seemed favourable to Charles for breaking the truce. Normandy was at once invaded by four powerful armies, one commanded by the king himself, a second by the Duke of Brittany, a third by the Duke of Alençon, and a fourth by the Count of Dunois. The places opened their gates almost as soon as the French appeared before them. Verneuil, Nogent, Chateau Gaillard, Ponteau de Mer, Gisors, Mante, Vernon, Argentan, Lisieux, Fecamp, Coutances, Belesme, Pont de l'Arche, fell in an instant into the hands of the enemy. The Duke of Somerset, so far from having an army which could take the field, and relieve these places, was not able to supply them with the necessary garrisons and provisions. He retired with the few troops, of which he was master, into Rouen; and thought it sufficient, if, till the arrival of succours from England, he could save that capital from the general fate of the province. The King of France, at the head of a formidable army, fifty thousand strong, presented himself before the gates, the dangerous example of revolt had infected the inhabitants, and they called aloud for a capitulation. Somerset, unable to resist, at once both the enemies within and from without, retired with his garrison into the palace and castle, which, being places not tenable, he was obliged to surrender; he (Nov. 4) purchased a retreat to Harfleur by the payment of 56,000 crowns, by engaging to surrender Aques, Tancarville, Caudebec, Honfleur, and other places in the higher Normandy, and by delivering hostages for the performance of articles (Monstrelet, vol. iii, p. 21; Grafton, p. 643). The governor of Honfleur refused to obey his orders, upon

which the Earl of Shrewsbury, who was one of the hostages, was detained prisoner: and the English were thus deprived of the only general capable of recovering them from their general distressed situation. Harfleur made a better defence under Sir Thomas Curson, the governor; but was finally obliged to open its gates to Dunois. Succours at last appeared from England under Sir Thomas Kyriel, and landed at Cherbourg; but these came very late, amounted only to 4000 men, and were soon after put to rout at Fourmigny by the Count of Clermont (Hollingshed, p. 631). This battle, or rather skirmish, was the only action fought by the English for the defence of their dominions in France, which they had purchased at such an expense of blood and treasure. Somerset, shut up in Caen without any prospect of relief, found it necessary to capitulate; Falaise opened its gates, on condition that the Earl of Shrewsbury should be restored to liberty; and Cherbourg, the last place of Normandy which remained in the hands of the English, being delivered up, the conquest of that important province was finished in a twelvemonth by Charles, to the great joy of the inhabitants and of his whole kingdom (Grafton, p. 646).

A like rapid success attended the French arms in Guienne; though the inhabitants of that province were, from long custom, better inclined to the English government. Dunois was dispatched thither, and met with no resistance in the field, and very little from the towns. Great improvements had been made, during this age, in the structure and management of artillery, and none in fortification, and the art of defence was by that means more unequal than either before or since to the art of attack. After all the small places about Bourdeaux were reduced, that city agreed to submit, if not relieved by a certain time; and as no one in England thought seriously of these distant concerns, no relief appeared; the place surrendered, and Bayonne being taken soon after, this whole province, which had remained united to England, since the accession of Henry II was, after a period of three centuries, finally swallowed up in the French monarchy.

Though no peace or truce was concluded between France and England, the war was, in a manner, at an end. The English, torn in pieces by the civil dissensions which ensued, made but one feeble effort more for the recovery of Guienne; and Charles, occupied at home in regulating the government, and fencing against the intrigues of his factious son, Lewis the Dauphin, scarcely ever attempted to invade them in their island, or to retaliate upon them, by availing himself of their intestine confusions.

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## CHAPTER XXI.

### HENRY VI.

*Claim of the Duke of York to the crown.—The Earl of Warwick.—Impeachment of the Duke of Suffolk.—His banishment.—And death.—Popular insurrection.—The parties of York and Lancaster.—First armament of the Duke of York.—First battle of St. Albans.—Battle*

*of Blore-heath.—Of Northampton.—A parliament.—Battle of Wakefield.—Death of the Duke of York.—Battle of Mortimer's Cross.—Second battle of St. Albans.—Edward IV. assumes the crown.—Miscellaneous transactions of this reign.*

A WEAK prince, seated on the throne of England, had never failed, how gentle soever and innocent, to be infested with faction, discontent, rebellion, and civil commotions; and as the incapacity of Henry appeared every day in a fuller light, these dangerous consequences began, from past experience, to be universally and justly apprehended. Men also of unquiet spirits, no longer employed in foreign wars, whence they were now excluded by the situation of the neighbouring states, were the more likely to excite intestine disorders, and, by their emulation, rivalry, and animosities, to tear the bowels of their native country. But though these causes alone were sufficient to breed confusion, there concurred another circumstance of the most dangerous nature; a pretender to the crown appeared, the title itself of the weak prince who enjoyed the name of sovereignty, was disputed, and the English were now to pay the severe, though late, penalty of their turbulence under Richard II and of their levity in violating, without any necessity or just reason, the lineal succession of their monarchs.

All the males of the house of Mortimer were extinct, but Anne, the sister of the last Earl of Marche, having espoused the Earl of Cambridge, beheaded in the reign of Henry V., had transmitted her latent, but not yet forgotten, claim to her son, Richard, Duke of York. This prince, thus descended by his mother from Philippa, only daughter of the Duke of Clarence, second son of Edward III., stood plainly in the order of succession before the king, who derived his descent from the Duke of Lancaster, third son of that monarch; and that claim could not, in many respects, have fallen into more dangerous hands than those of the Duke of York. Richard was a man of valour and abilities, of a prudent conduct and mild dispositions, he had enjoyed an opportunity of displaying these virtues in his government of France; and though recalled from that command by the intrigues and superior interest of the Duke of Somerset, he had been sent to suppress a rebellion in Ireland, had succeeded much better in that enterprise than his rival in the defence of Normandy; and had even been able to attach to his person and family the whole Irish nation, whom he was sent to subdue (Stowe, p 387). In the right of his father, he bore the rank of first prince of the blood; and by this station he gave a lustre to his title derived from the family of Mortimer, which, though of great nobility, was equalled by other families in the kingdom, and had been eclipsed by the royal descent of the house of Lancaster. He possessed an immense fortune from the union of so many successions, those of Cambridge and York on the one hand, with those of Mortimer on the other; which last inheritance had before been augmented by a union of the estates of Clarence and Ulster, with the patrimonial possessions of the family of Marche. The alliances too of Richard, by his marrying the daughter of Ralph Nevil, Earl of Westmoreland, had widely extended his interest among the nobility, and had procured him many connections in that formidable order.

The family of Nevill was, perhaps, at this time the most potent, both from their opulent possessions, and from the characters of the men, that has ever appeared in England. For, besides the Earl of Westmoreland, and the Lords Latimer, Fauconberg, and Abergavenny; the Earls of Salisbury and Warwick were of that family, and were, of themselves, on many accounts, the greatest noblemen in the kingdom. The Earl of Salisbury, brother-in-law to the Duke of York, was the eldest son by a second marriage of the Earl of Westmoreland; and inherited by his wife, daughter and heir of Montacute, Earl of Salisbury, killed before Orleans, the possessions and title of that great family. His eldest son, Richard, had married Anne, the daughter and heir of Beauchamp, Earl of Warwick, who died governor of France; and by this alliance he enjoyed the possessions, and had acquired the title, of that other family, one of the most opulent, most ancient, and most illustrious in England. The personal qualities also of these two earls, especially of Warwick, enhanced the splendour of their nobility, and increased their influence over the people. This latter nobleman, commonly known, from the subsequent events, by the appellation of the King-maker, had distinguished himself by his gallantry in the field, by the hospitality of his table, by the magnificence, and still more by the generosity of his expense, and by the spirited and bold manner which attended him in all his actions. The undesigning frankness and openness of his character rendered his conquest over men's affections the more certain and infallible; his presents were regarded as sure testimonies of esteem and friendship; and his professions as the overflowings of his genuine sentiments. No less than 30,000 persons are said to have daily lived at his board in the different manors and castles which he possessed in England; the military men, allured by his munificence and hospitality, as well as by his bravery, were zealously attached to his interests; the people in general bore him an unlimited affection; his numerous retainers were more devoted to his will, than to the prince or to the laws; and he was the greatest, as well as the last, of those mighty barons, who formerly overawed the crown, and rendered the people incapable of any regular system of civil government.

But the Duke of York, besides the family of Nevill, had many other partisans among the great nobility. Courtney, Earl of Devonshire, descended from a very noble family of that name in France, was attached to his interests; Moubray, Duke of Norfolk, had, from his hereditary hatred to the family of Lancaster, embraced the same party; and the discontents which universally prevailed among the people, rendered every combination of the great the more dangerous to the established government.

Though the people were never willing to grant the supplies necessary for keeping possession of the conquered provinces in France, they repined extremely at the loss of these boasted acquisitions; and fancied, because a sudden irruption could make conquests, that, without steady counsels, and a uniform expense, it was possible to maintain them. The voluntary cession of Maine to the queen's uncle, had made them suspect treachery in the loss of Normandy and Guienne. They still considered Margaret as a French woman and a latent enemy of the kingdom. And when they saw her father and all her relations



active in promoting the success of the French, they could not be persuaded that she, who was all-powerful in the English council, would very zealously oppose them in their enterprises.

But the most fatal blow given to the popularity of the crown, and to the interests of the house of Lancaster, was by the assassination of the virtuous Duke of Gloucester, whose character, had he been alive, would have intimidated the partisans of York; but whose memory, being extremely cherished by the people, served to throw an odium on all his murderers. By this crime the reigning family suffered a double prejudice; it was deprived of its firmest support: and loaded with all the infamy of that imprudent and barbarous assassination.

As the Duke of Suffolk was known to have had an active hand in the crime, he partook deeply of the hatred attending it; and the clamours, which necessarily rose against him, as prime minister, and declared favourite of the queen, were thereby augmented to a tenfold pitch, and became absolutely uncontrollable. The great nobility could ill brook to see a subject exalted above them; much more one who was only great grandson to a merchant, and who was of a birth so much inferior to theirs. The people complained of his arbitrary measures; which were, in some degree, a necessary consequence of the irregular power then possessed by the prince, but which the least disaffection easily magnified into tyranny. The great acquisitions which he daily made were the object of envy; and as they were gained at the expense of the crown, which was itself reduced to poverty, they appeared, on that account, to all indifferent persons, the more exceptionable and invidious.

The revenues of the crown, which had long been disproportioned to its power and dignity, had been extremely dilapidated during the minority of Henry (Cotton, p. 609); both by the rapacity of the courtiers, which the king's uncles could not control, and by the necessary expenses of the French war, which had always been very ill supplied by the grants of parliament. The royal demesnes were dissipated; and at the same time the king was loaded with a debt of 372,000 pounds, a sum so great, that the parliament could never think of discharging it. This unhappy situation forced the ministers upon many arbitrary measures; the household itself could not be supported without stretching to the utmost the right of purveyance, and rendering it a kind of universal robbery upon the people; the public clamour rose high upon this occasion, and no one had the equity to make allowance for the necessity of the king's situation. Suffolk, once become odious, bore the blame of the whole; and every grievance, in every part of the administration, was imputed to his tyranny and injustice.

This nobleman, sensible of the public hatred under which he laboured, and foreseeing an attack from the commons, endeavoured to overawe his enemies by boldly presenting himself to the charge, and by insisting upon his own innocence, and even upon his merits, and those of his family, in the public service. He rose in the house of peers; took notice of the clamours propagated against him, and complained, that, after serving the crown in thirty-four campaigns; after living abroad seventeen years without once returning to his native country; after losing a father and three brothers in the wars with

France; after being himself a prisoner, and purchasing his liberty by a great ransom; it should yet be suspected, that he had been debauched from his allegiance by that enemy whom he had ever opposed with such zeal and fortitude, and that he had betrayed his prince, who had rewarded his services by the highest honours and greatest offices, that it was in his power to confer (Cotton, p. 641). This speech did not answer the purpose intended. The commons, rather provoked at his challenge, opened their charge against him, and sent up to the peers an accusation of high treason, divided into several articles. They insisted, that he had persuaded the French king to invade England with an armed force, in order to depose the king, and to place on the throne his own son, John de la Pole, whom he intended to marry to Margaret, the only daughter of the late John Duke of Somerset, and to whom, he imagined, he would by that means acquire a title to the crown; that he had contributed to the release of the Duke of Orleans, in hopes that that prince would assist King Charles in expelling the English from France, and recovering full possession of his kingdom; that he had afterwards encouraged that monarch to make open war on Normandy and Guienne, and had promoted his conquests by betraying the secrets of England, and obstructing the succours intended to be sent to those provinces; and that he had, without any powers or commission, promised by treaty to cede the province of Maine to Charles of Anjou, and had accordingly ceded it; which proved in the issue the chief cause of the loss of Normandy<sup>1</sup>

It is evident, from a review of these articles, that the commons adopted, without inquiry, all the popular clamours against the Duke of Suffolk, and charged him with crimes of which none but the vulgar could seriously believe him guilty. Nothing can be more incredible than that a nobleman, so little eminent by his birth and character, could think of acquiring the crown to his family, and of deposing Henry by foreign force, and together with him, Margaret, his patron, a princess of so much spirit and penetration. Suffolk appealed to many noblemen in the house, who knew that he had intended to marry his son to one of the co-heiresses of the Earl of Warwick, and was disappointed in his views, only by the death of that lady; and he observed that Margaret of Somerset could bring to her husband no title to the crown, because she herself was not so much as comprehended in the entail, settled by act of parliament. It is easy to account for the loss of Normandy and Guienne, from the situation of affairs in the two kingdoms, without supposing any treachery in the English ministers; and it may safely be affirmed that greater vigour was requisite to defend these provinces from the arms of Charles VII. than to conquer them at first from his predecessor. It could never be the interest of any English minister to betray and abandon such acquisitions; much less of one who was so well established in his master's favour, who enjoyed such high honours and ample possessions in his own country, who had nothing to dread but the effects of popular hatred, and who could never think, without the most extreme reluctance, of becoming a fugitive and exile in a foreign land. The only article which carries any face of probability is his engagement for

<sup>1</sup> Cotton, p. 642; Hall, fol. 157; Hollingshed, p. 631; Crafton, p. 607.

the delivery of Maine to the queen's uncle; but Suffolk maintained, with great appearance of truth, that this measure was approved of by several at the council table (Cotton, p. 643); and it seems hard to ascribe to it, as is done by the commons, the subsequent loss of Normandy, and expulsion of the English. Normandy lay open on every side to the invasion of the French; Maine, an inland province, must soon after have fallen without any attack; and as the English possessed in other parts more fortresses than they could garrison or provide for, it seemed no bad policy to contract their force, and to render the defence practicable by reducing it within a narrower compass.

The commons were probably sensible that this charge of treason against Suffolk would not bear a strict scrutiny; and they, therefore, soon after sent up against him a new charge of misdemeanors, which they also divided into several articles. They affirmed, among other imputations, that he had procured exorbitant grants from the crown, had embezzled the public money, had conferred offices on improper persons, had perverted justice by maintaining iniquitous causes, and had procured pardons for notorious offenders (Cotton, p. 643). The articles are mostly general, but are not improbable; and as Suffolk seems to have been a bad man and a bad minister, it will not be rash in us to think that he was guilty, and that many of these articles could have been proved against him. The court was alarmed at the prosecution of a favourite minister who lay under such a load of popular prejudices; and an expedient was fallen upon to save him from present ruin. The king summoned all the lords, spiritual and temporal, to his apartment; the prisoner was produced before them, and asked what he could say in his own defence? He denied the charge, but submitted to the king's mercy; Henry expressed himself not satisfied with regard to the first impeachment for treason; but in consideration of the second, for misdemeanors, he declared, that by virtue of Suffolk's own submission, not by any judicial authority, he banished him the kingdom during five years. The lords remained silent; but as soon as they returned to their own house, they entered a protest, that this sentence should nowise infringe their privileges, and that, if Suffolk had insisted upon his right, and had not voluntarily submitted to the king's commands, he was intitled to a trial by his peers.

It was easy to see that these irregular proceedings were meant to favour Suffolk, and that, as he still possessed the queen's confidence, he would, on the first favourable opportunity, be restored to his country, and be reinstated in his former power and credit. A captain of a vessel was therefore employed by his enemies to intercept him in his passage to France; he was seized near Dover, his head struck off on the side of a long-boat, and his body thrown into the sea<sup>1</sup>. No inquiry was made after the actors and accomplices in this atrocious deed of violence.

The Duke of Somerset succeeded to Suffolk's power in the ministry, and credit with the queen; and as he was the person under whose government the French provinces had been lost, the public, who always judge by the event, soon made him equally the object of their animosity and hatred. The Duke of York was absent in Ireland

<sup>1</sup> Hall, fol. 258; Hist. Croyland, contin., p. 525; Stowe, p. 388, Grafton, p. 620

during all these transactions; and however it might be suspected that his partisans had excited and supported the prosecution against Suffolk, no immediate ground of complaint could on that account lie against him. But there happened soon after an incident which roused the jealousy of the court, and discovered to them the danger to which they were exposed from the pretensions of that popular prince.

The humours of the people, set afloat by the parliamentary impeachment, and by the fall of so great a favourite as Suffolk, broke out in various commotions, which were soon suppressed; but there arose one in Kent which was attended with more dangerous consequences. A man of low condition, one John Cade, a native of Ireland, who had been obliged to fly into France for crimes, observed, on his return to England, the discontents of the people; and he laid on them the foundation of projects, which were at first crowned with surprising success. He took the name of John Mortimer; intending, as is supposed, to pass himself for a son of that Sir John Mortimer who had been sentenced to death by parliament, and executed in the beginning of this reign, without any trial or evidence, merely upon an indictment of high treason given in against him.<sup>1</sup> On the first mention of that popular name, the common people of Kent, to the number of 20,000, flocked to Cade's standard; and he excited their zeal by publishing complaints against the numerous abuses in government, and demanding a redress of grievances. The court, not yet fully sensible of the danger, sent a small force against the rioters, under the command of Sir Humphry Stafford, who was defeated and slain in an action near Sevenoake (Hall, fol. 159; Holingshed, p. 634), and Cade, advancing with his followers towards London, encamped on Blackheath. Though elated by his victory, he still maintained the appearance of moderation, and sending to the court a plausible list of grievances (Stowe, pp. 388, 389; Holingshed, p. 633), he promised that when these should be redressed, and when Lord Say, the treasurer, and Cromer, sheriff of Kent, should be punished for their malversations, he would immediately lay down his arms. The council, who observed that nobody was willing to fight against men so reasonable in their pretensions, carried the king for present safety to Kenilworth, and the city immediately opened its gates to Cade, who maintained during some time great order and discipline among his followers. He always led them into the fields during the night time; and published severe edicts against plunder and violence of every kind; but being obliged, in order to gratify their malevolence against Say and Cromer, to put these men to death without a legal trial (Grafton, p. 612), he found that, after the commission of this crime, he was no longer master of their riotous disposition, and that all his orders were neglected (Hall, fol. 160). They broke into a rich house, which they plundered; and the citizens, alarmed at this act of violence, shut their gates against them; and being seconded by a

<sup>1</sup> Stowe, p. 364. Cotton, p. 564. This author wonders that such a piece of injustice should have been committed in peaceable times. He might have added, and by such virtuous princes as Bedford and Gloucester. But it is to be presumed that Mortimer was guilty, though his condemnation was highly irregular and illegal. The people had at this time a very feeble sense of law and a constitution, and power was very imperfectly restrained by these limits. When the proceedings of parliament were so irregular, it is easy to imagine that those of a king would be more so.

detachment of soldiers sent them by Lord Scales, governor of the Tower, they repulsed the rebels with great slaughter (*Hist. Croyland*, contin., p. 526). The Kentishmen were so discouraged by the blow, that, upon receiving a general pardon from the primate, then chancellor, they retreated towards Rochester, and there dispersed. The pardon was soon after annulled, as extorted by violence; a price was set on Cade's head (*Rymer*, vol. xi, p. 275), who was killed by one Iden, a gentleman of Sussex; and many of his followers were capitally punished for their rebellion.

It was imagined by the court, that the Duke of York had secretly instigated Cade to this attempt, in order to try by that experiment the dispositions of the people towards his title and family (*Cotton*, p. 661, *Stowe*, p. 391); and as the event had so far succeeded to his wish, the ruling party had greater reason than ever to apprehend the future consequences of his pretensions. At the same time, they heard that he intended to return from Ireland; and fearing that he meant to bring an armed force along with him, they issued orders, in the king's name, for opposing him, and for debarring him entrance into England (*Stowe*, p. 394). But the duke refuted his enemies by coming attended with no more than his ordinary retinue. the precautions of the ministers served only to show him their jealousy and malignity against him: he was sensible that his title, by being dangerous to the king, was also become dangerous to himself. he now saw the impossibility of remaining in his present situation, and the necessity of proceeding forward in support of his claim. His partisans therefore were instructed to maintain in all companies his right by succession, and by the established laws and constitution of the kingdom: these questions became every day more and more the subject of conversation: the minds of men were insensibly sharpened against each other by disputes, before they came to more dangerous extremities; and various topics were pleaded in support of the pretensions of each party.

The partisans of the house of Lancaster maintained, that though the elevation of Henry IV. might at first be deemed somewhat irregular, and could not be justified by any of those principles on which that prince chose to rest his title, it was yet founded on general consent, was a national act, and was derived from the voluntary approbation of a free people, who being loosened from their allegiance by the tyranny of the preceding government, were moved by gratitude as well as by a sense of public interest, to entrust the sceptre into the hands of their deliverer. that, even if that establishment were allowed to be at first invalid, it had acquired solidity by time, the only principle which ultimately gives authority to government, and removes those scruples which the irregular steps attending almost all revolutions naturally excite in the minds of the people. that the right of succession was a rule admitted only for general good, and for the maintenance of public order; and could never be pleaded to the overthrow of national tranquillity, and the subversion of regular establishments: that the principles of liberty, no less than the maxims of internal peace, were injured by these pretensions of the house of York; and if so many reiterated acts of the legislature, by which the crown was entailed on the present family, were now invalidated, the

English must be considered, not as a free people, who could dispose of their own government, but as a troop of slaves, who were implicitly transmitted by succession from one master to another: that the nation was bound to allegiance under the house of Lancaster by moral, no less than by political duty; and were they to infringe those numerous oaths of fealty which they had sworn to Henry and his predecessors, they would thenceforth be thrown loose from all principles, and it would be found difficult ever after to fix and restrain them. that the Duke of York himself had frequently done homage to the king as his lawful sovereign, and had thereby, in the most solemn manner, made an indirect renunciation of those claims with which he now dares to disturb the tranquillity of the public; that even though the violation of the rights of blood, made on the deposition of Richard, was perhaps rash and imprudent, it was too late to remedy the mischief, the danger of a disputed succession could no longer be obviated; the people, accustomed to a government, which in the hands of the late king had been so glorious, and in that of his predecessor so prudent and salutary, would still ascribe a right to it; by causing multiplied disorders, and by shedding an inundation of blood, the advantage would only be obtained of exchanging one pretender for another; and the house of York itself, if established on the throne, would, on the first opportunity, be exposed to those revolutions which the giddy spirit excited in the people, gave so much reason to apprehend; and that though the present king enjoyed not the shining talents which had appeared in his father and grandfather, he might still have a son who should be endowed with them: he is himself eminent for the most harmless and inoffensive manners; and if active princes were detested on pretence of tyranny, and indolent ones on the plea of incapacity, there would thenceforth remain in the constitution no established rule of obedience to any sovereign.

These strong topics in favour of the house of Lancaster were opposed by arguments no less convincing on the side of the house of York. The partisans of this latter family asserted, that the maintenance of order in the succession of princes, far from doing injury to the people, or invalidating their fundamental title to good government, was established only for the purposes of government, and served to prevent those numberless confusions which must ensue if no rule were followed but the uncertain and disputed views of present convenience and advantage. that the same maxims which ensured public peace, were also salutary to national liberty; the privileges of the people could only be maintained by the observance of laws, and if no account were made of the rights of the sovereign, it could less be expected that any regard would be paid to the property and freedom of the subject: that it was never too late to correct any pernicious precedent; an unjust establishment, the longer it stood, acquired the greater sanction and validity; it could, with more appearance of reason, be pleaded as an authority for a like injustice; and the maintenance of it, instead of favouring public tranquillity, tended to disjoint every principle by which human society was supported: that usurpers would be happy, if their present possession of power, or their continuance for a few years, could convert them into legal princes;

but nothing would be more miserable than the people, if all restraints on violence and ambition were thus removed, and a full scope given to the attempts of every turbulent innovator ; that time, indeed, might bestow solidity on a government whose first foundations were the most infirm, but it required both a long course of time to produce this effect, and the total extinction of those claimants whose title was built on the original principles of the constitution : that the deposition of Richard II and the advancement of Henry IV. were not deliberate national acts, but the result of the levity and violence of the people, and proceeded from those very defects in human nature, which the establishment of political society, and of an order in succession, was calculated to prevent that the subsequent entails of the crown were a continuance of the same violence and usurpation ; they were not ratified by the legislature, since the consent of the rightful king was still wanting, and the acquiescence, first of the family of Mortimer, then of the family of York, proceeded from present necessity, and implied no renunciation of their pretensions that the restoration of the true order of succession could not be considered as a change which familiarized the people to revolutions, but as the correction of a former abuse, which had itself encouraged the giddy spirit of innovation, rebellion, and disobedience ; and that, as the original title of Lancaster stood only in the person of Henry IV. on present convenience, even this principle, unjustifiable as it was, when not supported by laws, and warranted by the constitution, had now entirely gone over to the other side ; nor was there any comparison between a prince utterly unable to sway the sceptre, and blindly governed by corrupt ministers, or by an imperious queen, engaged in foreign and hostile interests, and a prince of mature years, of approved wisdom and experience, a native of England, lineal heir of the crown, who, by his restoration, would replace everything on ancient foundations.

So many plausible arguments could be urged on both sides of this interesting question, that the people were extremely divided in their sentiments ; and though the noblemen of greatest power and influence seemed to have espoused the party of York, the opposite cause had the advantage of being supported by the present laws, and by the immediate possession of royal authority. There were also many great noblemen in the Lancastrian party, who balanced the power of their antagonists, and kept the nation in suspense between them. The Earl of Northumberland adhered to the present government ; the Earl of Westmoreland, in spite of his connections with the Duke of York, and with the family of Nevill, of which he was the head, was brought over to the same party ; and the whole north of England, the most warlike part of the kingdom, was by means of these two potent noblemen, warmly engaged in the interests of Lancaster. Edmund Beaufort, Duke of Somerset, and his brother Henry, were great supports of that cause ; as were also Henry Holland, Duke of Exeter, Stafford, Duke of Buckingham, the Earl of Shrewsbury, the Lords Clifford, Dudley, Scales, Audley, and other noblemen.

While the kingdom was in this situation, it might naturally be expected that so many turbulent barons, possessed of so much independent authority, would immediately have flown to arms, and have deci-

## 6.14 *The House of Commons move against the King.*

ded the quarrel, after their usual manner, by war and battle, under the standards of the contending princes. But there still were many causes which retarded these desperate extremities, and made a long train of faction, intrigue, and cabal, precede the military operations. By the gradual progress of arts in England, as well as in other parts of Europe, the people were now become of some importance; laws were beginning to be respected by them; and it was requisite, by various pretences, previously to reconcile their minds to the overthrow of such an ancient establishment as that of the house of Lancaster, ere their concurrence could reasonably be expected. The Duke of York himself, the new claimant, was of a moderate and cautious character, an enemy to violence, and disposed to trust rather to time and policy than to sanguinary measures, for the success of his pretensions. The very imbecility itself of Henry, tended to keep the factions in suspense, and make them stand long in awe of each other; it rendered the Lancastrian party unable to strike any violent blow against their enemies; it encouraged the Yorkists to hope that after banishing the king's ministers, and getting possession of his person, they might undermine his authority, and be able, without the perilous expedient of a civil war, to change the succession by parliamentary and legal authority.

The dispositions, which appeared in a parliament assembled (A.D. 1451, Nov. 6th) soon after the arrival of the Duke of York from Ireland, favoured these expectations of his partisans, and both discovered an unusual boldness in the commons, and were a proof of the general discontents which prevailed against the administration. The lower house, without any previous inquiry or examination, without alleging any other ground of complaint than common fame, ventured to present a petition against the Duke of Somerset, the Duchess of Suffolk, the Bishop of Chester, Sir John Sutton, Lord Dudley, and several others of inferior rank; and they played the king to remove them for ever from his person and councils, and to prohibit them from approaching within twelve miles of the court (Parl. Hist., vol. ii, p. 263). This was a violent attack, somewhat arbitrary, and supported but by few precedents, against the ministry; yet the king durst not openly oppose it; he replied, that, except the lords, he would banish all the others from court during a year, unless he should have occasion for their service in suppressing any rebellion. At the same time, he rejected a bill which had passed both houses, for attainting the late Duke of Suffolk, and which, in several of its clauses, discovered a very general prejudice against the measures of the court.

The Duke of York, trusting to these symptoms, raised an army of 10,000 men, with which he marched towards London; demanding a reformation of the government, and the removal of the Duke of Somerset from all power and authority (Stowe, p. 394). He unexpectedly found the gates of the city shut against him; and on his retreating into Kent, he was followed by the king at the head of a superior army; in which several of Richard's friends, particularly Salisbury and Warwick, appeared; probably with a view of mediating between the parties, and of seconding, on occasion, the Duke of York's pretensions. A parley ensued; Richard still insisted upon the removal of Somerset, and his submitting to a trial in parliament; the court pretended to



comply with his demand; and that nobleman was put in arrest; the Duke of York was then persuaded to pay his respects to the king in his tent; and on repeating his charge against the Duke of Somerset, he was surprised to see that minister step from behind the curtain, and offer to maintain his innocence. Richard now found that he had been betrayed; that he was in the hands of his enemies; and that it was become necessary, for his own safety, to lower his pretensions. No violence, however, was attempted against him; the nation was not in a disposition to bear the destruction of so popular a prince; he had many friends in Henry's camp; and his son, who was not in the power of the court, might still be able to revenge his death on all his enemies: he was therefore dismissed; and he retired to his seat of Wigmore on the borders of Wales (Grafton, p. 620).

While the Duke of York lived in this retreat, there happened an incident, which, by increasing the public discontents, proved favourable to his pretensions. Several Gascon lords, affectionate to the English government, and disgusted at the new dominion of the French, came to London, and offered to return to their allegiance under Henry (Holingshed, p. 640). The Earl of Shrewsbury, with a body of 8000 men, was sent over to support them. Bourdeaux opened (A.D. 1454, July 20) its gates to him; he made himself master of Fronsac, Castillon, and some other places; affairs began to wear a favourable aspect. But, as Charles hastened to resist this dangerous invasion, the fortunes of the English were soon reversed; Shrewsbury, a venerable warrior, above fourscore years of age, fell in battle; his conquests were lost; Bourdeaux was again obliged to submit to the French king (Polyd. Virg., p. 501; Grafton, p. 623); and all hopes of recovering the province of Gascony were for ever extinguished.

Though the English might deem themselves happy to be fairly rid of distant dominions which were of no use to them, and which they never could defend against the growing power of France, they expressed great discontent on the occasion; and they threw all the blame on the ministry, who had not been able to effect impossibilities. While they were in this disposition, the queen's delivery (Oct. 13) of a son, who received the name of Edward, was deemed no joyful incident; and as it removed all hopes of the peaceable succession of the Duke of York, who was otherwise, in the right of his father, and, by the laws enacted since the accession of the house of Lancaster, next heir to the crown, it had rather a tendency to inflame the quarrel between the parties. But the duke was incapable of violent counsels; and even when no visible obstacle lay between him and the throne, he was prevented by his own scruples from mounting it. Henry, always unfit to exercise the government, fell at this time into a distemper, which so far increased his natural imbecility, that it rendered him incapable of maintaining even the appearance of royalty. The queen and the council destitute of this support, found themselves unable to resist the York party, and they were obliged to yield to the torrent. They sent Somerset to the Tower, and appointed Richard lieutenant of the kingdom, with powers to open and hold a session of parliament (Rymer, vol. xi., p. 344). That assembly also, taking into consideration the state of the kingdom, created him protector during pleasure. Men who thus en-

646 *The Battle of St. Albans, the first of the struggle.*

trusted sovereign authority to one that had such evident and strong pretensions to the crown, were not surely averse to his taking immediate and full possession of it; yet the duke, instead of pushing them to make further concessions, appeared somewhat timid and irresolute, even in receiving the power which was tendered to him. He desired that it might be recorded in parliament, that this authority was conferred on him from their own free motion, without any application on his part; he expressed his hopes that they would assist him in the exercise of it; he made it a condition of his acceptance, that the other lords, who were appointed to be of his council, should also accept of the trust, and should exercise it; and he required that all the powers of his office should be specified and defined by act of parliament. This moderation of Richard was certainly very unusual and very amiable; yet was it attended with bad consequences in the present juncture, and by giving time to the animosities of faction to rise and ferment, it proved the source of those furious wars and commotions which ensued.

The enemies of the Duke of York soon found it in their power to make advantage of his excessive caution. Henry, being so far recovered from his distemper as to carry the appearance of exercising the royal power, they moved him to resume his authority, to annul the protectorship of the duke, to release Somerset from the Tower, and to commit the administration into the hands of that nobleman. Richard, sensible of the dangers which might attend his former acceptance of the parliamentary commission, should he submit to the annulling of it, levied an army; but still without advancing any pretensions to the crown. He complained only of the king's ministers, and demanded a reformation of the government. A battle was (A.D. 1455, May 22) fought at St. Albans, in which the Yorkists were superior, and without suffering any material loss, slew about 5000 of their enemies; among whom were the Duke of Somerset, the Earl of Northumberland, the Earl of Stafford, eldest son of the Duke of Buckingham, Lord Clifford, and many other persons of distinction (Stowe, p. 309; Holinshed, p. 643). The king himself fell into the hands of the Duke of York, who treated him with great respect and tenderness, he was only obliged (which he regarded as no hardship) to commit the whole authority of the crown into the hands of his rival.

This was the first blood spilt in that fatal quarrel, which was not finished in less than a course of thirty years, which was signalized by twelve pitched battles, which opened a scene of extraordinary fierceness and cruelty, is computed to have cost the lives of eighty princes of the blood, and almost entirely annihilated the ancient nobility of England. The strong attachments which at that time men of the same kindred bore to each other, and the vindictive spirit, which was considered as a point of honour, rendered the great families implacable in their resentments, and every moment widened the breach between the parties. Yet affairs did not immediately proceed to the last extremities; the nation was kept some time in suspense, the vigour and spirit of Queen Margaret supporting her small power, still proved a balance to the great authority of Richard, which was checked by his irresolute temper. A parliament, which was (July 9) soon after assembled,

<sup>1</sup> Rymer, vol. xi, p. 361, Holinshed, p. 642, Grafton, p. 626.

plainly discovered, by the contrariety of their proceedings, the contrariety of the motives by which they were actuated. They granted the Yorkists a general indemnity; and they restored the protectorship to the duke, who, in accepting it, still persevered in all his former precautions; but at the same time they renewed the oaths of fealty to Henry, and fixed the continuance of the protectorship to the majority of his son Edward, who was vested with the usual dignities of the Prince of Wales, Duke of Cornwall, and Earl of Chester. The only decisive act passed in this parliament was a full resumption of all the grants which had been made since the death of Henry V, and which had reduced the crown to great poverty.

It was not found difficult to wrest power from hands so little tenacious as those of the Duke of York. Margaret, availing herself of that prince's absence, produced her husband before the house of lords; and, as his state of health permitted him at that time to act his part with some tolerable decency, he declared his intentions of resuming the government, and putting an end to Richard's authority. This measure, being unexpected, was not opposed by the contrary party: the house of lords, who were many of them disgusted with the late act of resumption, assented to Henry's proposal, and the king was declared to be reinstated in sovereign authority. Even the Duke of York acquiesced in this irregular act of the peers, and no disturbance ensued. But that prince's claim to the crown was too well known, and the steps which he had taken to promote it were too evident, ever to allow sincere trust and confidence to have place between the parties. The court retired to Coventry, and invited the Duke of York and the Earls of Salisbury and Warwick to attend the king's person. When they were on the road they received intelligence that designs were formed against their liberties and lives. They immediately separated themselves; Richard withdrew to his castle in Wigmore; Salisbury to Middleham in Yorkshire; and Warwick to his government of Calais, which had been committed to him after the battle of St Albans, and which, as it gave him the command of the only regular military force maintained by England, was of the utmost importance in the present juncture. Still, men of peaceable dispositions, and among the rest, Bouchier, Archbishop of Canterbury, thought it not too late to interpose with their good offices, in order to prevent that effusion of blood with which the kingdom was threatened; and the awe in which each party stood of the other rendered the mediation for some time successful. It was agreed that all the great leaders on both sides should meet in London, and be solemnly reconciled. The Duke of York and his partisans came thither with numerous retinues, and took up their quarters near each other for mutual security. The leaders of the Lancastrian party used the same precaution. The mayor at the head of 5000 men, kept a strict watch night and day; and was extremely vigilant in maintaining peace between them.<sup>1</sup> Terms were adjusted, which removed not the ground of difference. An outward reconciliation only was procured, and in order to notify this accord to the whole people, a solemn procession to St. Paul's was appointed, where the Duke of

<sup>1</sup> Fabian Chron., anno 1458. The author says, that some lords brought 900 retainers, some 600, none less than 400. Also Grafton, p. 633.

York led Queen Margaret, and a leader of one party marched hand in hand with a leader of the opposite. The less real cordiality prevailed, the more were the exterior demonstrations of amity redoubled. But it was evident that a contest for a crown could not thus be peaceably accommodated, that each party watched only for an opportunity of subverting the other; and that much blood must yet be spilt, ere the nation could be restored to perfect tranquillity, or enjoy a settled and established government.

Even the smallest accident, without any formed design, was sufficient, in the present disposition of men's minds, to dissolve the seeming harmony between the parties; and had the intentions of the leaders been ever so amicable, they would have found it difficult to restrain the animosity of their followers. One of the king's retinue insulted one of the Earl of Warwick's; their companions on both sides took part in the quarrel; a fierce combat ensued; the Earl apprehended his life to be aimed at; he fled to his government of Calais, and both parties, in every county of England, openly made preparations for deciding the contest by war and arms.

The Earl of Salisbury, marching to join the Duke of York, was overtaken (Sept. 23) at Blore-heath, on the borders of Staffordshire, by Lord Audley, who commanded much superior forces; and a small rivulet with steep banks ran between the armies. Salisbury here supplied his defect in numbers by stratagem; a refinement of which there occur few instances in the English civil wars, where a headlong courage, more than military conduct, is commonly to be remarked. He feigned a retreat, and allured Audley to follow him with precipitation, but when the van of the royal army had passed the brook, Salisbury suddenly turned upon them, and partly by the surprise, partly by the division of the enemies' forces, put this body to rout; the example of flight was followed by the rest of the army, and Salisbury, obtaining a complete victory, reached the general rendezvous of the Yorkists at Ludlow (Holingshed, p. 649).

The Earl of Warwick brought over to this rendezvous a choice body of veterans from Calais, on whom, it was thought, the fortune of the war would much depend; but this reinforcement occasioned in the issue the immediate ruin of the Duke of York's party. When the royal army approached, and a general action was every hour expected, Sir Andrew Trollop, who commanded the veterans, deserted to the king in the night-time; and the Yorkists were so dismayed at this instance of treachery, which made every man suspicious of his fellow, that they separated next day without striking a stroke (Holingshed, p. 650; Grafton, p. 537), the duke fled to Ireland, the Earl of Warwick, attended by many of the other leaders, escaped to Calais, where his great popularity among all orders of men, particularly among the military, soon drew to him partisans, and rendered his power very formidable. The friends of the house of York, in England, kept themselves everywhere in readiness to rise on the first summons from their leaders.

After meeting with some successes at sea, Warwick landed in Kent, with the Earl of Salisbury, and the Earl of Marche, eldest son of the Duke of York; and being met by the primate, by Lord Cobham, and

other persons of distinction, he marched, amidst the acclamations of the people, to London. The city immediately opened its gates to him; and his troops increasing on every day's march, he soon found himself in a condition to face the royal army, which hastened from Coventry to attack him. The battle was fought (A.D. 1460, July 10) at Northampton; and was soon decided against the royalists by the infidelity of Lord Grey of Ruthin, who, commanding Henry's van, deserted to the enemy during the heat of action, and spread a consternation through the troops. The Duke of Buckingham, the Earl of Shrewsbury, the Lords Beaumont and Egremont, and Sir William Lucie, were killed in the action or pursuit; the slaughter fell chiefly on the gentry and nobility; the common people were spared by orders of the Earls of Warwick and Marche (Stowe, p. 409). Henry himself, that empty shadow of a king, was again taken prisoner; and as the innocence and simplicity of his manners, which bore the appearance of sanctity, had procured him the tender regard of the people (Hall, fol 169), the Earl of Warwick and the other leaders took care to distinguish themselves by their respectful demeanour towards him.

A parliament was summoned in the king's name, and met (Oct. 7) at Westminster; where the duke soon after appeared from Ireland. This prince had never hitherto advanced openly any claim to the crown; he had only complained of ill ministers, and demanded a redress of grievances; and even, in the present crisis, when the parliament was surrounded by his victorious army, he showed such a regard to law and liberty, as is unusual during the prevalence of a party in any civil dissensions, and was still less to be expected in those violent and licentious times. He advanced towards the throne; and being met by the Archbishop of Canterbury, who asked him, whether he had yet paid his respects to the king, he replied, that he knew of none to whom he owed that title. He then stood near the throne (Holingshed, p. 655), and addressing himself to the house of peers, he gave them a deduction of his title by descent, mentioned the cruelties by which the house of Lancaster had paved their way to sovereign power, insisted on the calamities which had attended the government of Henry, exhorted them to return into the right path, by doing justice to the lineal successor, and thus pleaded his cause before them as his natural and legal judges (Cotton, p. 665; Grafton, p. 643). This cool and moderate manner of demanding a crown, intimidated his friends, and encouraged his enemies; the lords remained in suspense (Holingshed, p. 657; Grafton, p. 645); and no one ventured to utter a word on the occasion. Richard, who had probably expected that the peers would have invited him to place himself on the throne, was much disappointed at their silence; but desiring them to reflect on what he had proposed to them, he departed the house. The peers took the matter into consideration, with as much tranquillity as if it had been a common subject of debate; they desired the assistance of some considerable members among the commons in their deliberations; they heard, in several successive days, the reasons alleged for the Duke of York; they even ventured to propose objections to his claim, founded on former entails of the crown, and on the oaths of fealty sworn to the house of Lancaster (Cotton, p. 666); they also observed that as Richard had all along borne the arms

of York, not those of Clarence, he could not claim as successor to the latter family, and after receiving answers to these objections, derived from the violence and power by which the house of Lancaster supported their present possession of the crown, they proceeded to give a decision. Their sentence was calculated, as far as possible, to please both parties; they declared the title of the Duke of York to be certain and indefeasible; but in consideration that Henry had enjoyed the crown, without dispute or controversy, during the course of thirty-eight years, they determined, that he should continue to possess the title and dignity during the remainder of his life; that the administration of the government, meanwhile, should remain with Richard; that he should be acknowledged the true and lawful heir of the monarchy; that every one should swear to maintain his succession, and it should be treason to attempt his life; and that all former settlements of the crown, in this and the two last reigns, should be abrogated and rescinded (Cotton, p. 666; Grafton, p. 647). The duke acquiesced in this decision; Henry himself, being a prisoner, could not oppose it; even if he had enjoyed his liberty, he would not probably have felt any violent reluctance against it; and the act thus passed with the unanimous consent of the whole legislative body. Though the mildness of this compromise is chiefly to be ascribed to the moderation of the Duke of York, it is impossible not to observe in those transactions visible marks of a higher regard to law, and of a more fixed authority enjoyed by parliament, than has appeared in any former period of English history.

It is probable that the duke, without employing either menaces or violence, could have obtained from the commons a settlement more consistent and uniform; but as many, if not all the members of the upper house, had received grants, concessions, or dignities, during the last sixty years, when the house of Lancaster was possessed of the government; they were afraid of invalidating their own titles by too sudden and violent an overthrow of that family; and in thus temporizing between the parties, they fixed the throne on a basis upon which it could not possibly stand. The duke, apprehending his chief danger to arise from the genius and spirit of Queen Margaret, sought a pretence for banishing her the kingdom; he sent her, in the king's name, a summons to come immediately to London; intending, in case of her disobedience, to proceed to extremities against her. But the queen needed not this menace to excite her activity in defending the rights of her family. After the defeat at Northampton, she had fled with her infant son to Durham, thence to Scotland; but soon returning, she applied to the northern barons, and employed every motive to procure their assistance. Her affability, insinuation, and address, qualities in which she excelled, her caresses, her promises, wrought a powerful effect on every one who approached her; the admiration of her great qualities was succeeded by compassion towards her helpless condition; the nobility of that quarter, who regarded themselves as the most warlike in the kingdom, were moved by indignation to find the southern barons pretend to dispose of the crown and settle the government; and that they might allure the people to their standard, they promised them the spoils of all the provinces on the other side of the Trent. By these means, the queen had collected an army twenty thousand strong, with

a celerity which was neither expected by her friends, nor had been apprehended by her enemies.

The Duke of York, informed of her appearance in the north, hastened thither with a body of 5000 men, to suppress, as he imagined, the beginnings of an insurrection; when, on his arrival at Wakefield, he found himself so much outnumbered by the enemy. He threw himself into Sandal Castle, which was situated in the neighbourhood; and he was advised by the Earl of Salisbury, and other prudent counsellors, to remain in that fortress, till his son, the Earl of Marche, who was levying forces in the borders of Wales, could advance to his assistance (Stowe, p. 412). But the duke, though deficient in political courage, possessed personal bravery in an eminent degree; and notwithstanding his wisdom and experience, he thought that he should be for ever disgraced, if, by taking shelter behind walls, he should for a moment resign the victory to a woman. He descended into the plain, and offered battle to the enemy, which was (Dec. 24) instantly accepted. The great inequality of numbers was sufficient alone to decide the victory; but the queen, by sending a detachment, who fell on the back of the duke's army, rendered her advantage still more certain and undisputed. The duke himself was killed in the action, and as his body was found among the slain, the head was cut off by Margaret's orders, and fixed on the gates of York, with a paper crown upon it, in derision of his pretended title. His son, the Earl of Rutland, a youth of seventeen, was brought to Lord Clifford, and that barbarian, in revenge of his father's death, who had perished in the battle of St. Albans, murdered in cool blood, and with his own hands, this innocent prince, whose exterior figure, as well as other accomplishments, are represented by historians as extremely amiable. The Earl of Salisbury was wounded and taken prisoner, and immediately beheaded, with several other persons of distinction, by martial law at Pomfret (Polyd. Vug., p. 510). There fell near three thousand Yorkists in this battle; the duke himself was greatly and justly lamented by his own party, a prince who merited a better fate, and whose errors in conduct proceeded entirely from such qualities as render him the more an object of esteem and affection. He perished in the fiftieth year of his age, and left three sons, Edward, George, and Richard, with three daughters, Anne, Elizabeth, and Margaret.

The queen, after this important victory, divided her army. She sent the smaller division under Jasper Tudor, Earl of Pembroke, half brother to the king, against Edward, the new Duke of York. She herself marched with the larger division towards London, where the Earl of Warwick had been left with the command of the Yorkists. Pembroke was defeated by Edward, at Mortimer's Cross, in Herefordshire, with the loss of near 4000 men, his army was dispersed, he himself escaped by flight; but his father, Sir Owen Tudor, was taken prisoner, and immediately beheaded by Edward's orders. This barbarous practice, being once begun, was continued by both parties, from a spirit of revenge, which covered itself under the pretence of retaliation (Holinshed, p. 660, Grafton, p. 650).

Margaret compensated this defeat by a victory which she obtained over the Earl of Warwick. That nobleman, on the approach of the

Lancastrians, led out his army, reinforced by a strong body of the Londoners, who were affectionate to his cause, and he gave battle to the queen at St. Albans. While the armies were warmly engaged, Lovelace, who commanded a considerable body of the Yorkists, withdrew from the combat; and this treacherous conduct, of which there are many instances in those civil wars, decided the victory in favour of the queen. About 2300 of the vanquished perished in the battle and pursuit; and the person of the king fell again into the hands of his own party. This weak prince was sure to be almost equally a prisoner whichever faction had the keeping of him; and scarcely any more decorum was observed by one than by the other in their method of treating him. Lord Bonville, to whose care he had been entrusted by the Yorkists, remained with him after the defeat, on assurances of pardon given him by Henry; but Margaret, regardless of her husband's promise, immediately ordered the head of that nobleman to be struck off by the executioner (Holingshed, p. 660). Sir Thomas Kiriell, a brave warrior, who had signalized himself in the French wars, was treated in the same manner.

The queen made no great advantage of this victory. Young Edward advanced upon her from the other side, and collecting the remains of Warwick's army, was soon in a condition of giving her battle with superior forces. She was sensible of her danger while she lay between the enemy and the city of London, and she found it necessary to retreat with her army to the north (Grafton, p. 652). Edward entered the capital amidst the acclamations of the citizens, and immediately opened a new scene to his party. This prince, in the bloom of youth, remarkable for the beauty of his person, for his bravery, his activity, his affability, and every popular quality, found himself so much possessed of public favour, that, elated with the spirit natural to his age, he resolved no longer to confine himself within those narrow limits which his father had prescribed to himself, and which had been found by experience so prejudicial to his cause. He determined to assume the name and dignity of king; to insist openly on his claim; and thenceforth to treat the opposite party as traitors and rebels to his lawful authority. But as a national consent, or the appearance of it, still seemed, notwithstanding his plausible title, requisite to precede this bold measure, and as the assembling of a parliament might occasion too many delays and be attended with other inconveniences, he ventured to proceed in a less regular manner, and to put it out of the power of his enemies to throw obstacles in the way of his elevation. His army was ordered to assemble in St. John's Fields; great numbers of people surrounded them; an harangue was pronounced to this mixed multitude, setting forth the title of Edward, and inveighing against the tyranny and usurpation of the rival family, and the people were then asked whether they would have Henry of Lancaster for their king? They unanimously exclaimed against the proposal. It was then demanded whether they would accept of Edward, eldest son of the late Duke of York? They expressed their assent by loud and joyful acclamations (Stowe, p. 415; Holingshed, p. 661). A great number of bishops, lords, magistrates, and other persons of distinction, were next assembled at Baynard's Castle, who ratified the popular election; and the



new king was on the subsequent day proclaimed (March 5) in London, by the title of Edward IV. (Grafton, p. 653)

In this manner ended the reign of Henry VI., a monarch who while in his cradle had been proclaimed king both of France and England, and who began his life with the most splendid prospects that any prince in Europe had ever enjoyed. The revolution was unhappy for his people as it was the source of civil wars; but was almost entirely indifferent to Henry himself, who was utterly incapable of exercising his authority, and who, provided he personally met with good usage, was equally easy as he was equally enslaved in the hands of his enemies and of his friends. His weakness and his disputed title were the chief causes of the public calamities; but whether his queen and his ministers were not also guilty of some great abuses of power, it is not easy for us at this distance of time to determine. There remains no proofs on record of any considerable violation of the laws, except in the assassination of the Duke of Gloucester, which was a private crime, formed no precedent, and was but too much of a piece with the usual ferocity and cruelty of the times.

The most remarkable law which passed in this reign was that for the due election of members of parliament in counties. After the fall of the feudal system, the different distinction of tenures was in some measure lost, and every freeholder, as well as those who held of mesne lords, as the immediate tenants of the crown, were by degrees admitted to give their votes at elections. This innovation (for such it may probably be esteemed) was indirectly confirmed by a law of Henry IV. (Stat. at Large, 7 Henry IV., cap. 15), which gave right to such a multitude of electors as was the occasion of great disorder. In the eighth and tenth of this king, therefore, laws were enacted limiting the electors to such as possessed forty shillings a year in land, free from all burdens within the county (Ibid., 8 Hen. VI., cap. 7, 10 Hen. VI., cap. 2). This sum was equivalent to near twenty pounds a year of our present money, and it were to be wished that the spirit as well as letter of this law had been maintained.

The preamble of the statute is remarkable: 'Whereas the elections of knights have of late, in many counties of England, been made by outrages and excessive numbers of people, many of them of small substance and value, yet pretending to a right equal to the best knights and esquires; whereby manslaughters, riots, batteries, and divisions among the gentlemen and other people of the same counties, shall very likely rise and be, unless due remedy be provided in this behalf,' etc. We may learn from these expressions what an important matter the election of a member of parliament was now become in England; that assembly was beginning in this period to assume great authority; the commons had it much in their power to enforce the execution of the laws; and if they failed of success in this particular, it proceeded less from any exorbitant power of the crown, than from the licentious spirit of the aristocracy, and perhaps from the rude education of the age and their own ignorance of the advantages resulting from a regular administration of justice.

When the Duke of York, the Earls of Salisbury and Warwick, fled the kingdom upon the desertion of their troops, a parliament was sum-

moned at Coventry in 1460, by which they were all attainted. This parliament seems to have been very irregularly constituted, and scarcely deserves the name; insomuch that an act passed in it, 'that all such knights of any county, as were returned by virtue of the king's letters, without any other election, should be valid, and that no sheriff should for returning them incur the penalty of the statute of Henry IV.' (Cotton, p. 664). All the acts of that parliament were afterwards reversed, 'because it was unlawfully summoned, and the knights and barons not duly chosen' (Stat. at Large, 39 Hen. VI., cap. 1).

The parliaments in this reign instead of relaxing their vigilance against the usurpations of the court of Rome, endeavoured to enforce the former statutes enacted for that purpose. The commons petitioned that no foreigner should be capable of any church preferment, and that the patron might be allowed to present anew upon the non-residence of any incumbent (Cotton, p. 585). But the king eluded these petitions. Pope Martin wrote him a severe letter against the statute of provisors, which he calls an abominable law that would infallibly damn every one who observed it (Burnet's Collect. of Records, vol. i., p. 99). The Cardinal of Winchester was legate, and as he was also a kind of prime minister and immensely rich from the profits of his clerical dignities, the parliament became jealous lest he should extend the papal power; and they protested that the cardinal should absent himself in all affairs and councils of the king whenever the Pope or see of Rome was touched upon (Cotton, p. 593).

Permission was given by parliament to export corn when it was at low prices; wheat at six shillings and eightpence a quarter, money of that age; barley at three shillings and four pence (Stat. at Large, 15 Hen. VI., cap. 2; 23 Hen. VI., cap. 6). It appears from these prices that corn still remained at near half its present value, though other commodities were much cheaper. The inland commerce of corn was also opened in the eighteenth of the king, by allowing any collector of the customs to grant a licence for carrying it from one county to another (Cotton, p. 625). The same year a kind of navigation act was proposed with regard to all places within the Streights, but the king rejected it (Ibid., p. 626).

The first instance of debt contracted upon parliamentary security occurs in this reign (Ibid., pp. 593, 614, 638). The commencement of this pernicious practice deserves to be noted; a practice the more likely to become pernicious the more a nation advances in opulence and credit. The ruinous effects of it are now become but too apparent, and threaten the very existence of the nation

## CHAPTER XXII.

### EDWARD IV.

*Battle of Towton.—Henry escapes into Scotland.—A parliament.—Battle of Hexham.—Henry taken prisoner and confined to the Tower.—King's marriage with the Lady Elizabeth Gray.—Warwick dis-*

*gusted—Alliance with Burgundy.—Insurrection in Yorkshire.—Battle of Banbury—Warwick and Clarence banished.—Warwick and Clarence return—Edward IV. expelled—Henry VI restored.—Edward IV. returns.—Battle of Barnet and death of Warwick.—Battle of Tewkesbury, and murder of Prince Edward.—Death of Henry VI.—Invasion of France—Peace of Pecquigni—Trial and execution of the Duke of Clarence.—Death and character of Edward IV.*

YOUNG Edward, now in his twentieth year, was of a temper well fitted to make his way through such a scene of war, havoc, and devastation as must conduct him to the full possession of that crown which he claimed from hereditary right, but which he had assumed from the tumultuary election alone of his own party. He was bold, active, enterprising; and his hardness of heart and severity of character rendered him impregnable to all those movements of compassion which might relax his vigour in the prosecution of the most bloody revenges upon his enemies. The very commencement of his reign gave symptoms of his sanguinary disposition. A tradesman of London, who kept shop at the sign of the Crown, having said that he would make his son heir to the Crown, this harmless pleasantry was interpreted to be spoken in derision of Edward's assumed title, and he was condemned and executed for the offence (Habington in Kennet, p. 431; Grafton, p. 791). Such an act of tyranny was a proper prelude to the events which ensued. The scaffold, as well as the field, incessantly streamed with the noblest blood of England, spilt in the quarrel between the two contending families whose animosity was now become implacable. The people, divided in their affections, took different symbols of party: the partisans of the house of Lancaster chose the red rose as their mark of distinction; those of York were denominated from the white; and these civil wars were thus known over Europe by the name of the quarrel between the two roses.

The licence in which Queen Margaret had been obliged to indulge her troops, infused great terror and aversion into the city of London and all the southern parts of the kingdom, and as she there expected an obstinate resistance, she had prudently retired northwards among her own partisans. The same licence joined to the zeal of faction, soon brought great multitudes to her standard, and she was able, in a few days, to assemble an army sixty thousand strong, in Yorkshire. The king and the Earl of Warwick hastened with an army of forty thousand men to check her progress, and when they reached Pomfret they dispatched a body of troops, under the command of Lord Fitzwalter, to secure the passage of Ferrybridge over the river Aire, which lay between them and the enemy. Fitzwalter took possession of the post assigned him, but was not able to maintain it against Lord Clifford, who attacked him with superior numbers. The Yorkists were chased back with great slaughter, and Lord Fitzwalter himself was slain in the action.<sup>1</sup> The Earl of Warwick, dreading the consequences of this disaster at a time when a decisive action was every hour expected, immediately ordered his horse to be brought him,

<sup>1</sup> W. Wyrcester, p. 429, Hall, fol. 186, Holingshed, p. 664.

## 656 *Destruction of the Royalists at the Battle of Towton.*

which he stabbed before the whole army, and kissing the hilt of his sword, swore that he was determined to share the fate of the meanest soldier (Habington, p. 432). And to show the greater security, a proclamation was at the same time issued, giving to every one full liberty to retire, but menacing the severest punishment to those who should discover any symptoms of cowardice in the ensuing battle (Holingshed, p. 664). Lord Falconberg was sent to recover the post which had been lost; he passed the river some miles above Ferry-bridge, and falling unexpectedly on Lord Clifford, revenged the former disaster by the defeat of the party and the death of their leader (Hist. Croyl. contin, p. 532).

The hostile armies met (March 29) at Towton, and a fierce and bloody battle ensued. While the Yorkists were advancing to the charge, there happened a great fall of snow which, driving full in the faces of their enemies blinded them, and this advantage was improved by a stratagem of Lord Falconberg's. That nobleman ordered some infantry to advance before the line and, after having sent a volley of light-arrows, as they were called, amidst the enemy, immediately to retire. The Lancastrians, imagining that they were gotten within reach of the opposite army, discharged all their arrows, which thus fell short of the Yorkists (Hall, fol. 186). After the quivers of the enemy were emptied, Edward advanced his line, and did execution with impunity on the dismayed Lancastrians, the bow, however, was soon laid aside, and the sword decided the combat, which ended in a total victory on the side of the Yorkists. Edward issued orders to give no quarter (Habington, p. 432). The routed army was pursued to Tadcaster with great bloodshed and confusion, and about thirty-six thousand men are computed to have fallen in the battle and pursuit;<sup>1</sup> among these were the Earl of Westmoreland, and his brother Sir John Nevill, the Earl of Northumberland, the lords Dacres and Welles, and Sir Andrew Trollop (Hall, fol. 187; Habington, p. 433). The Earl of Devonshire, who was now engaged in Henry's party, was brought a prisoner to Edward, and was soon after beheaded by martial law, at York. His head was fixed on a pole erected over a gate of that city, and the head of Duke Richard and that of the Earl of Salisbury, were taken down, and buried with their bodies. Henry and Margaret had remained at York during the action, but, learning the defeat of their army, and being sensible that no place in England could now afford them shelter, they fled with great precipitation into Scotland. They were accompanied by the Duke of Exeter, who, though he had married Edward's sister, had taken part with the Lancastrians, and by Henry, Duke of Somerset, who had commanded in the unfortunate battle of Towton, and son of that nobleman killed in the first battle of St. Albans.

Notwithstanding the great animosity which prevailed between the kingdoms, Scotland had never exerted itself with vigour to take advantage, either of the wars which England carried on with France, or of the civil commotions which arose between the contending families. James I, more laudably employed in civilizing his subjects, and taming them to the salutary yoke of law and justice, avoided all hostilities with foreign nations, and though he seemed interested to maintain a

<sup>1</sup> Holingshed, p. 665; Grafton, p. 656. Hist. Croyl. cont, p. 533.

balance between France and England, he gave no further assistance to the former kingdom in its greatest distresses, than permitting and perhaps encouraging his subjects to enlist in the French service. After the murder of that excellent prince, the minority of his son and successor, James II., and the distractions incident to it, retained the Scots in the same state of neutrality, and the superiority visibly acquired by France rendered it then unnecessary for her ally to interpose in her defence. But when the quarrel commenced between the houses of York and Lancaster, and became absolutely incurable but by the total extinction of one party, James, who had now risen to man's estate, was tempted to seize the opportunity, and he endeavoured to recover those places which the English had formerly conquered from his ancestors. He laid siege to the castle of Roxburgh, in 1460, and had provided himself with a small train of artillery for that enterprise; but his cannon were so ill framed that one of them burst as he was firing it, and put an end to his life in the flower of his age. His son and successor, James III., was also a minor on his accession, the usual distractions ensued in the government; the Queen Dowager, Anne of Gueldres, aspired to the regency; the family of Douglas opposed her pretensions; and Queen Margaret, when she fled into Scotland, found there a people little less divided by faction than those by whom she had been expelled. Though she pleaded the connections between the royal family of Scotland and the house of Lancaster, by the young king's grandmother, a daughter of the Earl of Somerset, she could engage the Scottish council to go no farther than to express their good wishes in her favour; but, on her offer to deliver to them immediately the important fortress of Berwick, and to contract her son in marriage with a sister of King James, she found a better reception, and the Scots promised the assistance of their arms to reinstate her family upon the throne (Hall, fol 137; Habington, p. 434). But as the danger from that quarter seemed not very urgent to Edward, he did not pursue the fugitive king and queen into their retreat; but returned to London, where a parliament was summoned for settling the government.

On the meeting (Nov. 4) of this assembly, Edward found the good effects of his vigorous measure in assuming the crown, as well as of his victory at Towton, by which he had secured it; the parliament no longer hesitated between the two families, or proposed any of those ambiguous decisions which could only serve to perpetuate and inflame the animosities of party. They recognised the title of Edward, by hereditary descent, through the family of Mortimer, and declared that he was king by right, from the death of his father, who had also the same lawful title; and that he was in possession of the crown from the day that he assumed the government, tendered to him by the acclamations of the people (Cotton, p. 670). They expressed their abhorrence of the usurpation and intrusion of the house of Lancaster, particularly that of the Earl of Derby, otherwise called Henry IV., which they said had been attended with every kind of disorder, the murder of the sovereign and the oppression of the subject. They annulled every grant which had passed in those reigns, they reinstated the king in all the possessions which had belonged to the crown at the

pretended deposition of Richard II.; and though they confirmed judicial deeds, and the decrees of inferior courts, they reversed all attainders passed in any pretended parliament; particularly the attainder of the Earl of Cambridge, the king's grandfather, as well as that of the Earls of Salisbury and Gloucester, and of Lord Lumley, who had been forfeited for adhering to Richard II.<sup>1</sup>

Many of these votes were the result of the usual violence of party; the common sense of mankind in more peaceable times repealed them; and the statutes of the house of Lancaster, being the deeds of an established government, and enacted by princes long possessed of authority, have always been held as valid and obligatory. The parliament, however, in subverting such deep foundations, had still the pretence of replacing the government on its ancient and natural basis; but in their subsequent measures they were more guided by revenge, at least by the views of convenience, than by the maxims of equity and justice. They passed an act of forfeiture and attainder against Henry VI., and Queen Margaret, and their infant son Prince Edward; the same act was extended to the Dukes of Somerset and Exeter; to the Earls of Northumberland, Devonshire, Pembroke, Wilts; to the Viscount Beaumont; the Lords Roos, Nevill, Clifford, Welles, Dacre, Gray of Rugemont, Hungerford; to Alexander Hedie, Nicholas Latimer, Edmond Montfort, John Heron, and many other persons of distinction (Cotton, p. 670, W. Wyrcester, p. 490). The parliament vested the estates of all these attainted persons in the crown, though their sole crime was the adhering to a prince whom every individual of the parliament had long recognised, and whom that very king himself, who was now seated on the throne, had acknowledged and obeyed as his lawful sovereign.

The necessity of supporting the government established will more fully justify some other acts of violence, though the method of conducting them may still appear exceptionable. John, Earl of Oxford, and his son, Aubrey de Vere, were detected in a correspondence with Margaret, were tried by martial law before the constable, were condemned and executed.<sup>2</sup> Sir William Tyndel, Sir Thomas Tudenham, and John Montgomery, were convicted in the same arbitrary court, were executed and their estates forfeited. This introduction of martial law into civil government was a high strain of prerogative, which, were it not for the violence of the times, would probably have appeared exceptionable to a nation so jealous of their liberties as the English were now become.<sup>3</sup> It was impossible but such a great and sudden revolution must leave the roots of discontent and dissatisfaction in the subject, which would require great art, or in lieu of it, great violence to extirpate them. The latter was more suitable to the genius of the nation in that uncultivated age.

<sup>1</sup> Cotton, p. 670, Stat at Large, 1 Edw IV, cap. 1.

<sup>2</sup> W. de Wyrcester, p. 490; Hall, fol 189, Grafton, p. 658, Fabian, fol 215, Fragm. ad finem T. Sprut.

<sup>3</sup> That we may judge how arbitrary a court that of the constable of England was, we may peruse the patent granted to the Earl of Rivers in this reign, as it is to be found in Spelman's Glossary, in verb *Constabularius*, as also, more fully in Rymer, vol xi, p. 581. Here is a clause of it: "Et ulterius de uberiori grana nostra eidem comiti de Rivers plenam potestatem damus ad cognoscendum et procedendum, in omnibus et singulis causis et negotiis, de et super crimine lesæ majestatis seu super occasione cæterisque causis, quibuscunque per præ-

But the new establishment still seemed precarious and uncertain, not only from the domestic discontents of the people, but from the efforts of foreign powers. Lewis, the eleventh of the name, had succeeded to his father, Charles, in 1460; and was led, from the obvious motives of national interest, to feed the flames of civil discord among such dangerous neighbours, by giving support to the weaker party. But the intriguing and politic genius of this prince was here checked by itself; having attempted to subdue the independent spirit of his own vassals, he had excited such an opposition at home as prevented him from making all the advantage which the opportunity afforded of the dissensions among the English. He sent, however, a small body to Henry's assistance under Varenne, Seneschal of Normandy (Monstrelet, vol. iii., p. 95), who landed in Northumberland, and got possession of the castle of Alnwick: but as the indefatigable Margaret went in person to France, where she solicited larger supplies, and promised Lewis to deliver up Calais if her family should by his means be restored to the throne of England, he was induced to send along with her a body of 2000 men-at-arms, which enabled her to take the field, and to make an inroad into England. Though reinforced by a numerous train of adventurers from Scotland, and by many partisans of the family of Lancaster, she received (April 25) a check at Hedgley Moor from Lord Montacute, or Montague, brother to the Earl of Warwick, and Warden of the East Marches between Scotland and England. Montague was so encouraged with this success, that, while a numerous reinforcement was on their march to join him by orders from Edward, he yet ventured, with his own troops alone, to attack (May 15) the Lancastrians at Hexham; and he obtained a complete victory over them. The Duke of Somerset, the Lords Roos and Hungerford, were taken in a pursuit, and immediately beheaded by martial law at Hexham. Summary justice was in like manner executed at Newcastle on Sir Humphrey Nevil, and several other gentlemen. All those who were spared in the field suffered on the scaffold, and the utter extermination of their adversaries was now become the plain object of the York party, a conduct which received but too plausible an apology from the preceding practice of the Lancastrians.

The fate of the unfortunate royal family, after this defeat, was singular. Margaret, flying with her son into a forest, where she endeavoured

\* *fatum comitem de Rivers, ut constabularium Angliæ—quæ in curia constabularii Angliæ ab antiquo viz tempore dicti domini Gulielmi conquestoris, seu aliquo tempore citra tractari, audiri, examinari, aut decidi consueverant, aut jure debuerant, aut debent, causasque et negotia prædicta cum omnibus et singulis emergentibus, incidentibus et connexis, audiendum, examinandum, et fine debito terminandum, etiam summariæ et de plano, sine strepitu et figura justitiæ, sola facti veritate inspecta, ac etiam manu regis, si opportunum visum fuerit eidem comiti de Rivers, vices nostras, appellatione remota.* The office of constable was perpetual in the monarchy, its jurisdiction was not limited to times of war, as appears from this patent, and as we learn from Spelman: yet its authority was in direct contradiction to Magna Charta; and it is evident that no regular liberty could subsist with it. It involved a full dictatorial power, continually subsisting in the state. The only check on the crown, besides the want of force to support all its prerogatives, was, that the office of constable was commonly either hereditary or during life. and the person invested with it was, for that reason, not so proper an instrument of arbitrary power in the king. Accordingly the office was suppressed by Henry VIII. the most arbitrary of all the English princes. The practice, however, of exercising martial law, still subsisted, and was not abolished till the Petition of Right under Charles I. This was the epoch of true liberty, confirmed by the restoration, and enlarged and secured by the revolution.

voured to conceal herself, was beset, during the darkness of the night, by robbers, who, either ignorant or regardless of her quality, despoiled her of her rings and jewels, and treated her with the utmost indignity. The partition of this rich booty raised a quarrel among them, and while their attention was thus engaged, she took the opportunity of making her escape with her son into the thickest of the forest, where she wandered for some time, overspent with hunger and fatigue, and sunk with terror and affliction. While in this wretched condition, she saw a robber approach with his naked sword; and finding that she had no means of escape, she suddenly embraced the resolution of trusting entirely for protection to his faith and generosity. She advanced towards him, and presenting to him the young prince, called out to him, 'Here, my friend, I commit to your care the safety of your king's son.' The man, whose humanity and generous spirit had been obscured, not entirely lost, by his vicious course of life, was struck with the singularity of the event, was charmed with the confidence reposed in him, and vowed not only to abstain from all injury against the princess, but to devote himself entirely to her service (Monstrelet, vol. iii., p. 96). By his means she dwelt some time concealed in the forest, and was at last conducted to the sea-coast, whence she made her escape into Flanders. She passed thence into her father's court, where she lived several years in privacy and retirement. Her husband was not so fortunate or so dexterous in finding the means of escape. Some of his friends took him under their protection, and conveyed him into Lancashire, where he remained concealed during a twelvemonth; but he was at last detected, delivered up to Edward, and thrown into the Tower (Hall, fol. 191; *Fragm. ad finem Spoti*). The safety of his person was owing less to the generosity of his enemies, than to the contempt which they had entertained of his courage and his understanding.

The imprisonment of Henry, the expulsion of Margaret, the execution and confiscation of all the most eminent Lancastrians, seemed to give full security to Edward's government, whose title by blood being now recognised by parliament, and universally submitted to by the people, was no longer in danger of being impeached by any antagonist. In this prosperous situation, the king delivered himself up, without control, to those pleasures which his youth, his high fortune, and his natural temper invited him to enjoy; and the cares of royalty were less attended to than the dissipation of amusement, or the allurements of passion. The cruel and unrelenting spirit of Edward, though inured to the ferocity of civil wars, was at the same time extremely devoted to the softer passions, which, without mitigating his severe temper, maintained a great influence over him, and shared his attachment with the pursuits of ambition, and the thirst of military glory. During the present interval of peace, he lived in the most familiar and sociable manner with his subjects (Polyd. Verg, p. 513, Biondi), particularly with the Londoners, and the beauty of his person, as well as the gallantry of his address, which, even unassisted by his royal dignity, would have rendered him acceptable to the fair, facilitated all his applications for their favour. This easy and pleasurable course of life augmented every day his popularity among all ranks of men; he was the peculiar favourite of the young and gay of both sexes. The dis-



position of the English, little addicted to jealousy, kept them from taking umbrage at these liberties; and his indulgence in amusements, while it gratified his inclination, was thus become, without design, a means of supporting and securing his government. But as it is difficult to confine the ruling passion within strict rules of prudence, the amorous temper of Edward led him into a snare, which proved fatal to his repose, and to the stability of his throne.

Jaqueline of Luxembourg, Duchess of Bedford, had after her husband's death so far sacrificed her ambition to love, that she espoused in second marriage Sir Richard Woodville, a private gentleman, to whom she bore several children, and among the rest Elizabeth, who was remarkable for the grace and beauty of her person, as well as for other amiable accomplishments. This young lady had married Sir John Gray of Groby, by whom she had children; and her husband being slain in the second battle of St Albans, fighting on the side of Lancaster, and his estate being for that reason confiscated, his widow retired to live with her father, at his seat of Grafton in Northamptonshire. The king came accidentally to the house after a hunting party, in order to pay a visit to the Duchess of Bedford; and as the occasion seemed favourable for obtaining some grace from this gallant monarch, the young widow flung herself at his feet, and with many tears entreated him to take pity on her impoverished and distressed children. The sight of so much beauty in affliction strongly affected the amorous Edward; love stole insensibly into his heart under the guise of compassion, and her sorrow, so becoming a virtuous matron, made his esteem and regard quickly correspond to his affection. He raised her from the ground with assurances of favour, he found his passion increase every moment by the conversation of the amiable object; and he was soon reduced in his turn to the posture and style of a supplicant at the feet of Elizabeth. But the lady, either averse to dishonourable love from a sense of duty, or perceiving that the impression which she had made was so deep as to give her hopes of obtaining the highest elevation, obstinately refused to gratify his passion; and all the endearments, caresses, and importunities of the young lovable Edward, proved fruitless against her rigid and inflexible virtue. His passion, irritated by opposition, and increased by his veneration for such honourable sentiments, carried him at last beyond all bounds of reason, and he offered to share his throne, as well as his heart, with the woman whose beauty of person and dignity of character seemed so well to entitle her to both. The marriage was (A.D. 1464) privately celebrated at Grafton (Hall, fol. 193; Fabian, fol. 216). The secret was carefully kept for some time; no one suspected that so libertine a prince could sacrifice so much to a romantic passion; and there were in particular strong reasons, which at that time rendered this step to the highest degree dangerous and imprudent.

The king, desirous to secure his throne, as well by the prospect of issue, as by foreign alliances, had a little before determined to make application to some neighbouring princes; and he had cast his eye on Bona of Savoy, sister of the Queen of France, who he hoped would by her marriage ensure him the friendship of that power, which was alone both able and inclined to give support and assistance to his rival. To

662 *Breach between the Earl of Warwick and Edward.*

render the negotiation more successful, the Earl of Warwick had been dispatched to Paris where the princess then resided; he had demanded Bona in marriage for the king, his proposals had been accepted, the treaty was fully concluded, and nothing remained but the ratification of the terms agreed on, and the bringing over the princess to England.<sup>1</sup> But when the secret of Edward's marriage broke out, the haughty earl deeming himself affronted, both by being employed in this fruitless negotiation, and by being kept a stranger to the king's intentions, who had owed everything to his friendship, immediately returned to England inflamed with rage and indignation. The influence of passion over so young a man as Edward might have served as an excuse for his imprudent conduct, had he deigned to acknowledge his error, or had pleaded his weakness as an apology; but his faulty shame or pride prevented him from so much as mentioning the matter to Warwick, and that nobleman was allowed to depart the court, full of the ill humour and discontent which he brought to it.

Every incident now tended to widen the breach between the king and this powerful subject. The queen, who lost not her influence by marriage, was equally solicitous to draw every grace and favour to her own friends and kindred, and to exclude those of the earl, whom she regarded as her mortal enemy. Her father was created Earl of Rivers: he was made treasurer in the room of Lord Mountjoy (W. Wyrcester, p. 506). He was invested in the office of constable for life; and his son received the survivance of that high dignity (Rymer, vol. xi, p. 581). The same young nobleman was married to the only daughter of Lord Scales, enjoyed the great estate of that family, and had the title of Scales conferred upon him. Catherine, the queen's sister, was married to the young Duke of Buckingham, who was a ward of the crown (W. Wyrcester, p. 505); Mary, another of her sisters, espoused William Herbert, created Earl of Huntingdon; Ann, a third sister, was given in marriage to the son and heir of Gray, Lord Ruthyn, created Earl of Kent (Ibid., p. 506). The daughter and heir of the Duke of Exeter, who was also the king's niece, was contracted to Sir Thomas Gray, one of the queen's sons by her former husband; and as Lord Montague was treating of a marriage between his son and this lady, the preference given to young Gray was deemed an injury and affront to the whole family of Nevill.

The Earl of Warwick could not suffer with patience the least diminution of that credit which he had long enjoyed, and which he thought he had merited by such important services. Though he had received so many grants from the crown, that the revenue arising from them amounted, beside his patrimonial estate, to 80,000 crowns a year, according to the computation of Philip de Comines (liv. iii., chap. 4), his ambitious spirit was still dissatisfied, so long as he saw others surpass him in authority and influence with the king (Polyd. Verg., p. 514). Edward also, jealous of that power which had supported him, and which he himself had contributed still higher to exalt, was well pleased to raise up rivals in credit to the Earl of Warwick, and he justified by this political view his extreme partiality to the

<sup>1</sup> Hall, fol. 193; Habington, p. 437; Holingshed, p. 667; Grafton, p. 665, Polyd. Verg., p. 513.

queen's kindred. But the nobility of England, envying the sudden growth of the Woodvilles (*Hist. Croyl. cont.*, p. 539), were more inclined to take part with Warwick's discontent, to whose grandeur they were already accustomed, and who had reconciled them to his superiority by his gracious and popular manners. And as Edward obtained (A.D. 1466) from parliament a general resumption of all grants which he had made since his accession, and which had extremely impoverished the crown (*W. Wyrcester*, p. 508), this act, though it passed with some exceptions, particularly one in favour of the Earl of Warwick, gave a general alarm to the nobility, and disgusted many, even zealous partisans of the family of York.

But the most considerable associate that Warwick acquired to his party, was George, Duke of Clarence, the king's second brother. This prince deemed himself no less injured than the other grandees, by the uncontrolled influence of the queen and her relations, and as his fortunes were still left on a precarious footing, while theirs were fully established, this neglect, joined to his unquiet and restless spirit, inclined him to give countenance to all the malcontents (*Grafton*, p. 673). The favourable opportunity of gaining him was espied by the Earl of Warwick, who offered him in marriage his elder daughter, and co-heir of his immense fortunes, a settlement which, as it was superior to any that the king himself could confer upon him, immediately attached him to the party of the earl.<sup>1</sup> Thus an extensive and dangerous combination was insensibly formed against Edward and his ministry. Though the immediate object of the malcontents was not to overturn the throne, it was difficult to foresee the extremities to which they might be carried; and as opposition to government was usually in those ages prosecuted by force of arms, civil convulsions and disorders were likely to be soon the result of these intrigues and confederacies.

While this cloud was gathering at home, Edward carried his views abroad, and endeavoured to secure himself against his factious nobility by entering into foreign alliances. The dark and dangerous ambition of Lewis XI. the more it was known, the greater alarm it excited among his neighbours and vassals; and as it was supported by great abilities, and unrestrained by any principle of faith or humanity, they found no security to themselves but by a jealous combination against him. Philip, Duke of Burgundy, was now dead; his rich and extensive dominions were devolved to Charles, his only son, whose martial disposition acquired him the surname of 'Bold,' and whose ambition, more outrageous than that of Lewis, but seconded by less power and policy, was regarded with a more favourable eye by the other potentates of Europe. The opposition of interests, and still more, a natural antipathy of character, produced a declared animosity between these bad princes; and Edward was thus secure of the sincere attachment of either of them, for whom he should choose to declare himself. The Duke of Burgundy, being descended by his mother, a daughter of Portugal, from John of Gaunt, was naturally inclined to favour the house of Lancaster (*Comines*, liv. iii., chap. 4, 6); but this considera-

<sup>1</sup> *W. Wyrcester*, p. 511, *Hall*, fol. 200, *Habington*, p. 439; *Holingshed*, p. 671, *Polyd. Veig*, p. 515.

tion was easily overbalanced by political motives, and Charles, perceiving the interests of that house to be extremely decayed in England, sent over his natural brother, commonly called the Bastard of Burgundy, to carry in his name proposals of marriage to Margaret, the king's sister. The alliance of Burgundy was more popular among the English than that of France; the commercial interests of the two nations invited the princes to a close union; their common jealousy of Lewis was a natural cement between them, and Edward, pleased with strengthening himself by so potent a confederate, soon (A.D. 1468) concluded the alliance, and bestowed his sister upon Charles (Hall, fol. 196, 197). A league, which Edward at the same time concluded with the Duke of Brittany, seemed both to increase his security, and to open to him the prospect of rivalling his predecessors in those foreign conquests, which, however short-lived and unprofitable, had rendered their reigns so popular and illustrious (W. Wyrcester, p. 5; Parl. Hist., vol. ii., p. 332).

But whatever ambitious schemes the king might have built on these alliances, they were soon frustrated by intestine commotions, which engrossed all his attention. These disorders probably arose not immediately from the intrigues of the Earl of Warwick, but from accident, aided by the turbulent spirit of the age, by the general humour of discontent which that popular nobleman had instilled into the nation, and perhaps by some remains of attachment to the house of Lancaster. The hospital of St. Leonard's, near York, had received from an ancient grant of King Athelstane a right of levying a thrave of corn upon every ploughland in the county; and as these charitable establishments are liable to abuse, the country people complained, that the revenue of the hospital was no longer expended for the relief of the poor, but was secreted by the managers, and employed to their private purposes. After long repining at the contribution, they refused payment: ecclesiastical and civil censures were issued against them; their goods were distrained, and their persons thrown into jail; till, as their ill humour daily increased, they (A.D. 1469) rose in arms; fell upon the officers of the hospital, whom they put to the sword; and proceeded in a body, fifteen thousand strong, to the gates of York. Lord Montague, who commanded in those parts, opposed himself to their progress; and having been so fortunate in a skirmish as to seize Robert Hilderne their leader, he ordered him immediately to be led to execution, according to the practice of the times. The rebels, however, still continued in arms; and being soon headed by men of greater distinction, Sir Henry Nevill, son of Lord Latimer, and Sir John Coniers, they advanced southwards, and began to appear formidable to government. Herbert, Earl of Pembroke, who had received that title on the forfeiture of Jasper Tudor, was ordered by Edward to march against them at the head of a body of Welshmen, and he was joined by five thousand archers under the command of Stafford, Earl of Devonshire, who had succeeded in that title to the family of Courtney, which had also been attained. But a trivial difference about quarters having begotten an animosity between these two noblemen, the Earl of Devonshire retired with his archers, and left Pembroke alone to encounter the rebels. The two armies approached each other near

Banbury; and Pembroke, having prevailed in a skirmish, and having taken Sir Henry Nevill prisoner, ordered him immediately to be put to death, without any form of process. This execution enraged, without terrifying the rebels, they (July 26) attacked the Welsh army, routed them, put them to the sword without mercy; and having seized Pembroke, they took immediate revenge upon him for the death of their leader. The king, imputing this misfortune to the Earl of Devonshire, who had deserted Pembroke, ordered him to be executed in a like summary manner. But these speedy executions, or rather open murders, did not stop there, the northern rebels, sending a party to Grafton, seized the Earl of Rivers and his son John, men who had become obnoxious by their near relation to the king, and his partiality towards them; and they were immediately executed by orders from Sir John Coniers (Fabian, fol. 217).

There is no part of English history since the conquest so obscure, so uncertain, so little authentic or consistent, as that of the wars between the two roses; historians differ about many material circumstances, some events of the utmost consequence, in which they almost all agree, are incredible and contradicted by records,<sup>1</sup> and it is remarkable, that this profound darkness falls upon us just on the eve of the restoration of letters, and when the art of printing was already known in Europe. All we can distinguish with certainty, through the deep cloud which covers that period, is a scene of horror and bloodshed, savage manners, arbitrary executions, and treacherous, dishonourable conduct in all parties. There is no possibility, for instance, of accounting for the views and intentions of the Earl of Warwick at this time. It is agreed, that he resided, together with his son-in-law, the Duke of Clarence, in his government of Calais, during the commencement of this rebellion; and that his brother Montague acted with vigour against the northern rebels. We may thence presume, that the insurrection had not proceeded from the secret counsels and instigation of Warwick, though the murder, committed by the rebels, on the Earl of Rivers, his capital enemy, forms, on the other hand, a violent presumption against him. He and Clarence came over to

<sup>1</sup> We shall give an instance. Almost all the historians, even Comines, and the continuator of the Annals of Croyland, assert that Edward was, about this time, taken prisoner by Clarence and Warwick, and was committed to the custody of the Archbishop of York, brother to the earl, but being allowed to take the diversion of hunting by this prelate, he made his escape, and afterwards chased the rebels out of the kingdom. But that all the story is false, appears from Rymer, where we find, that the king, throughout all this period, continually exercised his authority, and never was interrupted in his government. On the 7th of Mar 1470, he gives a commission of assay to Clarence, whom he then imagined a good subject, and on the 23rd of the same month we find him issuing an order for apprehending him. Besides, in the king's manifesto against the duke and earl (Claus. ro. Edward iv. m. 7, 8), where he enumerates all their treasons, he mentions no such fact, he does not so much as accuse them of exciting young Welles's rebellion. He only says, that they exhorted him to continue in his rebellion. We may judge how smaller facts will be misrepresented by historians, who can in the most material transactions mistake so grossly. There may even some doubt arise with regard to the proposal of marriage made to Bona of Savoy, though almost all the historians concur in it, and the fact be very likely in itself. For there are no traces in Rymer of any such embassy of Warwick's to France. The chief certainty in this and the preceding reign arises either from public records, or from the notice taken of certain passages by the French historians. On the contrary, for some centuries after the conquest, the French history is not complete without the assistance of English authors. We may conjecture, that the reason of the scarcity of historians during this period was the destruction of the convents which ensued so soon after. Copies of the more recent historians not being yet sufficiently dispersed, these histories have perished.

England, offered their service to Edward, were received without any suspicion, were entrusted by him in the highest commands (Rymer, vol. xi., pp. 647, 649, 650), and still persevered in their fidelity. Soon after, we find the rebels quitted and dispersed by a general pardon granted by Edward from the advice of the Earl of Warwick; but why so courageous a prince, if secure of Warwick's fidelity, should have granted a general pardon to men who had been guilty of such violent and personal outrages against him, is not intelligible; nor why that nobleman, if unfaithful, should have endeavoured to appease a rebellion, of which he was able to make such advantages. But it appears that, after this insurrection, there was an interval of peace, during which the king loaded the family of Nevill with honours and favours of the highest nature; he made Lord Montague a marquess, by the same name; he created his son, George, Duke of Bedford (Cotton, p. 702). He publicly declared his intention of marrying that young nobleman to his eldest daughter, Elizabeth, who, as he had yet no sons, was presumptive heir of the crown, yet we find, that soon after being invited to a feast, by the Archbishop of York, a younger brother of Warwick and Montague, he entertained a sudden suspicion that they intended to seize his person or to murder him; and he abruptly left the entertainment (Fragm. Ed. IV. ad fin. Sproti).

Soon after, there (A.D. 1470) broke out another rebellion, which is as unaccountable as all the preceding events, chiefly because no sufficient reason is assigned for it, and because, so far as appears, the family of Nevill had no hand in exciting and fomenting it. It arose in Lincolnshire, and was headed by Sir Robert Welles, son to the lord of that name. The army of the rebels amounted to 30,000 men; but Lord Welles himself, far from giving countenance to them, fled into a sanctuary, in order to secure his person against the king's anger or suspicions. He was allured from this retreat by a promise of safety; and was soon after, notwithstanding this assurance, beheaded, along with Sir Thomas Dymoke, by orders from Edward.<sup>1</sup> The king fought (March 13) a battle with the rebels, defeated them, took Sir Robert Welles and Sir Thomas Launde prisoners, and ordered them immediately to be beheaded.

Edward, during these transactions, had entertained so little jealousy of the Earl of Warwick or Duke of Clarence, that he sent them with commissions of array to levy forces against the rebels (Rymcr, vol. xi, p. 652). But these malcontents, as soon as they left the court, raised troops in their own name, issued declarations against the government, and complained of grievances, oppressions, and bad ministers. The unexpected defeat of Welles disconcerted all their measures; and they retired northwards into Lancashire, where they expected to be joined by Lord Stanley, who had married the Earl of Warwick's sister. But as that nobleman refused all concurrence with them, and as Lord Montague also remained quiet in Yorkshire, they were obliged to disband their army, and to fly into Devonshire, where they embarked and made sail towards Calais.<sup>2</sup>

<sup>1</sup> Hall, fol. 204: Fabian, fol. 228. Habington, p. 442; Holingshed, p. 674.

<sup>2</sup> The king offered by proclamation a reward of 1000*l.*, or 100*l.* a year in land, to any that would seize them. Whence we may learn that land was at that time sold for about ten years' purchase. Rymer, vol. xi, p. 654.

The deputy governor, whom Warwick had left at Calais, was one Vaucler, a Gascon, who seeing the earl return in this miserable condition, refused him admittance; and would not so much as permit the Duchess of Clarence to land; though, a few days before, she had been delivered on shipboard of a son, and was at that time extremely disordered by sickness. With difficulty, he would allow a few flagons of wine to be carried to the ship for the use of the ladies; but as he was a man of sagacity, and well acquainted with the revolutions to which England was subject, he secretly apologised to Warwick for this appearance of infidelity, and represented it as proceeding entirely from zeal for his service. He said, that the fortress was ill supplied with provisions; that he could not depend on the attachment of the garrison; that the inhabitants, who lived by the English commerce, would certainly declare for the established government; that the place was at present unable to resist the power of England on the one hand, and that of the Duke of Burgundy on the other, and that, by seeming to declare for Edward, he would acquire the confidence of that prince, and still keep it in his power, when it should become safe and prudent, to restore Calais to its ancient master (Comines, liv. iii., cap. 4., Hall, fol. 205). It is uncertain, whether Warwick was satisfied with this apology, or suspected a double infidelity in Vaucler; but he feigned to be entirely convinced by him; and having seized some Flemish vessels which he found lying off Calais, he immediately made sail towards France.

The King of France, uneasy at the close conjunction between Edward and the Duke of Burgundy, received with the greatest demonstrations of regard the unfortunate Warwick (Polyd. Verg., p. 519), with whom he had formerly maintained a secret correspondence, and whom he hoped still to make his instrument, in overturning the government of England, and re-establishing the house of Lancaster. No animosity was ever greater than that which had long prevailed between that house and the Earl of Warwick. His father had been executed by orders from Margaret; he himself had twice reduced Henry to captivity, had banished the queen, had put to death all their most zealous partisans either in the field or on the scaffold, and had occasioned innumerable ills to that unhappy family. For this reason, believing that such inveterate rancour could never admit of any cordial reconciliation, he had not mentioned Henry's name, when he took arms against Edward; and he rather endeavoured to prevail by means of his own adherents, than revive a party which he sincerely hated. But his present distresses and the entreaties of Lewis made him hearken to terms of accommodation; and Margaret being sent for from Angers, where she then resided, an agreement was from common interest soon concluded between them. It was stipulated, that Warwick should espouse the cause of Henry, and endeavour to restore him to liberty, and to re-establish him on the throne; that the administration of the government, during the minority of young Edward, Henry's son, should be entrusted conjointly to the Earl of Warwick and the Duke of Clarence; that Prince Edward should marry the Lady Anne, second daughter of that nobleman; and that the crown, in case of the failure of male issue in that prince, should

descend to the Duke of Clarence, to the entire exclusion of King Edward and his posterity. Never was confederacy, on all sides, less natural or more evidently the work of necessity; but Warwick hoped that all former passions of the Lancastrians might be lost in present political views, and that at worst, the independent power of his family, and the affections of the people, would suffice to give him security, and enable him to exact the full performance of all the conditions agreed on. The marriage of Prince Edward with the Lady Anne was immediately celebrated in France.

Edward foresaw, that it would be easy to dissolve an alliance, composed of such discordant parts. For this purpose, he sent over a lady of great sagacity and address, who belonged to the train of the Duchess of Clarence, and who, under colour of attending her mistress, was empowered to negotiate with the duke, and to renew the connections of that prince with his own family.<sup>1</sup> She represented to Clarence, that he had unwarily, to his own ruin, become the instrument of Warwick's vengeance, and had thrown himself entirely in the power of his most inveterate enemies, that the mortal injuries which the one royal family had suffered from the other were now past all forgiveness, and no imaginary union of interests could ever suffice to obliterate them; that even if the leaders were willing to forget past offences, the animosity of their adherents would prevent a sincere coalition of parties, and would, in spite of all temporary and verbal agreements, preserve an eternal opposition of measures between them, and that a prince, who deserted his own kindred, and joined the murderers of his father, left himself single, without friends, without protection, and would not, when misfortunes inevitably fell upon him, be so much as entitled to any pity or regard from the rest of mankind. Clarence was only one and twenty years of age, and seems to have possessed but a slender capacity, yet could he easily see the force of these reasons; and upon the promise of forgiveness from his brother, he secretly engaged, on a favourable opportunity, to desert the Earl of Warwick, and abandon the Lancastrian party.

During this negotiation, Warwick was secretly currying on a correspondence of the same nature with his brother, the Marquis of Montague, who was entirely trusted by Edward; and like motives produced a like resolution in that nobleman. The marquis also, that he might render the projected blow the more deadly and incurable, resolved, on his side, to watch a favourable opportunity for committing his perfidy, and still to maintain the appearance of being a zealous adherent to the house of York.

After these mutual snares were thus carefully laid, the decision of the quarrel advanced apace. Lewis prepared a fleet to escort the Earl of Warwick, and granted him a supply of men and money (Comines, liv. iii., chap. 4, Hall, fol. 207). The Duke of Burgundy, on the other hand, enraged at that nobleman for his seizure of the Flemish vessels before Calais, and anxious to support the reigning family in England with whom his own interests were now connected, fitted out a larger fleet, with which he guarded the channel; and he incessantly warned his brother-in-law of the imminent perils to which he was exposed.

<sup>1</sup> Comines, vol. iii., chap. 5, Hall, fol. 207; Holingshed, p. 675.



But Edward, though always brave and often active, had little foresight or penetration. He was not sensible of his danger, he made no suitable preparations against the Earl of Warwick (Grafton, p. 687). He even said, that the duke might spare himself the trouble of guarding the seas, and that he wished for nothing more than to see Warwick set foot on English ground (Comines, liv. iii., chap. 5, Hall, fol. 208). A vain confidence in his own prowess, joined to the immoderate love of pleasure, had made him incapable of all sound reason and reflection.

The event soon happened of which Edward seemed so desirous. A storm dispersed the Flemish navy, and left the sea open to Warwick (Comines, liv. iii., chap. 5), that nobleman seized the opportunity, and (Sept.) setting sail, quickly landed at Dartmouth, with the Duke of Clarence, the Earls of Oxford and Pembroke, and a small body of troops; while the king was in the north, engaged in suppressing an insurrection which had been raised by Lord Fitzhugh, brother-in-law to Warwick. The scene, which ensues, resembles more the fiction of a poem or romance than an event in true history. The prodigious popularity of Warwick (Hall, fol. 205), the zeal of the Lancastrian party, the spirit of discontent with which many were infected, and the general instability of the English nation, occasioned by the late frequent revolutions, drew such multitudes to his standard, that, in a very few days, his army amounted to sixty thousand men, and was continually increasing. Edward hastened southwards to encounter him, and the two armies approached each other near Nottingham, where a decisive action was every hour expected. The rapidity of Warwick's progress had incapacitated the Duke of Clarence from executing *his* plan of treachery; and the Marquis of Montague had here the opportunity of striking the first blow. He communicated the design to his adherents, who promised him their concurrence; they took to arms in the night-time, and hastened with loud acclamations to Edward's quarters, the king was alarmed at the noise, and starting from bed, heard the cry of war usually employed by the Lancastrian party. Lord Hastings, his chamberlain, informed him of the danger, and urged him to make his escape by speedy flight from an army where he had so many concealed enemies, and where few seemed zealously attached to his service. He had just time to get on horseback, and to hurry with a small retinue to Lynn in Norfolk, where he luckily found some ships ready, on board of which he instantly embarked (Comines, liv. iii., chap. 5; Hall, fol. 208). And after this manner the Earl of Warwick, in no longer space than eleven days after his first landing, was left entire master of the kingdom.

But Edward's danger did not end with his embarkation. The Easterlings or Hanse-Towns were then at war both with France and England; and some ships of these people, hovering on the English coast, espied the king's vessels, and gave chase to them; nor was it without extreme difficulty that he made his escape into the port of Alcmæer in Holland. He had fled from England with such precipitation, that he had carried nothing of value along with him; and the only reward which he could bestow on the captain of the vessel that brought him over was a robe lined with sables; promising him an ample recompence, if fortune should ever become more propitious to him (Comines, liv. iii., chap. 5).

It is not likely, that Edward could be very fond of presenting himself in this lamentable plight before the Duke of Burgundy; and that having so suddenly, after his mighty vaunts, lost all footing in his own kingdom, he could be insensible to the ridicule which must attend him in the eyes of that prince. The duke, on his part, was no less embarrassed how he should receive the dethroned monarch. As he had ever borne a greater affection to the house of Lancaster than to that of York, nothing but political views had engaged him to contract an alliance with the latter; and he foresaw, that probably the revolution in England would now turn this alliance against him, and render the reigning family his implacable and jealous enemy. For this reason, when the first rumour of that event reached him, attended with the circumstance of Edward's death, he seemed rather pleased with the catastrophe; and it was no agreeable disappointment to find, that he must either undergo the burden of supporting an exiled prince, or the dishonour of abandoning so near a relation. He began already to say that his connections were with the kingdom of England, not with the king; and it was indifferent to him whether the name of Edward, or that of Henry, were employed in the articles of treaty. These sentiments were continually strengthened by the subsequent events. Vaucler, the deputy governor of Calais, though he had been confirmed in his command by Edward, and had even received a pension from the Duke of Burgundy on account of his fidelity to the crown, no sooner saw his old master, Warwick, reinstated in authority, than he declared for him, and, with great demonstrations of zeal and attachment, put the whole garrison in his livery. And the intelligence, which the duke received every day from England, seemed to promise an entire and full settlement in the family of Lancaster.

Immediately after Edward's flight had left the kingdom at Warwick's disposal, that nobleman hastened to London; and taking Henry from his confinement in the Tower, into which he himself had been the chief cause of throwing him, he proclaimed him king with great solemnity. A parliament was summoned in the name of that prince to meet at Westminster; and as this assembly could pretend to no liberty, while surrounded by such enraged and insolent victors, governed by such an impetuous spirit as Warwick, their votes were entirely dictated by the ruling faction. The treaty with Margaret was here fully executed. Henry was recognised as lawful king, but his incapacity for government being avowed, the regency was entrusted to Warwick and Clarence till the majority of Prince Edward, and in default of that prince's issue, Clarence was declared successor to the crown. The usual business also of reversals went on without opposition. Every statute made during the reign of Edward was repealed; that prince was declared to be a usurper, he and his adherents were attainted; and in particular, Richard, Duke of Gloucester, his younger brother. All the attainders of the Lancastrians, the Dukes of Somerset and Exeter, the Earls of Richmond, Pembroke, Oxford, and Ormond, were reversed; and every one was restored who had lost either honours or fortune by his former adherence to the cause of Henry.

The ruling party were more sparing in their executions than was usual after any revolution during those violent times. The only victim

of distinction was John Tibetot, Earl of Worcester. This accomplished person, born in an age and nation where the nobility valued themselves on ignorance as their privilege, and left learning to monks and school-masters, for whom indeed the spurious erudition that prevailed was best fitted, had been struck with the first rays of true science, which began to penetrate from the south, and had been zealous, by his exhortation and example, to propagate the love of letters among his unpolished countrymen. It is pretended that knowledge had not produced on this nobleman himself the effect which so naturally attends it, of humanizing the temper and softening the heart (Hall, fol. 210; Stow, p. 422); and that he had enraged the Lancastrians against him, by the severities which he exercised upon them during the prevalence of his own party. He endeavoured to conceal himself after the flight of Edward, but was caught on the top of a tree in the forest of Weybridge, was conducted to London, tried before the Earl of Oxford, condemned and executed. All the other considerable Yorkists either fled beyond sea or took shelter in sanctuaries, where the ecclesiastical privileges afforded them protection. In London alone, it is computed, that no less than 2000 persons saved themselves in this manner (Comines, liv. iii., chap. 7), and, among the rest, Edward's queen, who was there delivered of a son, called by his father's name.<sup>1</sup>

Queen Margaret, the other rival queen, had not yet appeared in England; but on receiving intelligence of Warwick's success, was preparing with Prince Edward for her journey. All the banished Lancastrians flocked to her; and, among the rest, the Duke of Somerset, son of the duke beheaded after the battle of Hexham. This nobleman who had long been regarded as the head of the party, had fled into the Low Countries on the discomfiture of his friends; and as he concealed his name and quality, he had there languished in extreme indigence. Philip de Comines tells us (liv. iii., chap. 4) that he himself saw him, as well as the Duke of Exeter, in a condition no better than that of a common beggar; till, being discovered by Philip, Duke of Burgundy, they had small pensions allotted them, and were living in silence and obscurity, when the success of their party called them from their retreat. But both Somerset and Margaret were detained by contrary winds from reaching England (Grafton, p. 692; Polyd. Verg. p. 522), till a new revolution in that kingdom, no less sudden and surprising than the former, threw them into greater misery than that from which they had just emerged.

Though the Duke of Burgundy, by neglecting Edward, and paying court to the established government, had endeavoured to conciliate the friendship of the Lancastrians, he found that he had not succeeded to his wish, and the connections between the King of France and the Earl of Warwick still held him in great anxiety (Hall, fol. 205). This nobleman, too hastily regarding Charles as a determined enemy, had sent over to Calais a body of 4000 men, who made inroads into the Low Countries (Comines, liv. iii., chap. 6); and the Duke of Burgundy saw himself in danger of being overwhelmed by the united arms of England and of France. He resolved therefore to grant some assistance to his brother-in-law; but in such a covert manner, as should give

<sup>1</sup> Hall, fol. 210, Stow, p. 423, Holingshed, p. 677, Grafton, p. 690.

the least offence possible to the English government. He equipped four large vessels, in the name of some private merchants, at Tervuer, in Zealand; and causing fourteen ships to be secretly hired from the Easterlings, he delivered this small squadron to Edward, who, receiving also a sum of money from the duke, immediately set sail for England. No sooner was Charles informed of his departure, than he issued a proclamation inhibiting all his subjects from giving him countenance or assistance (Comines, liv. iii., chap. 6); an artifice which could not deceive the Earl of Warwick, but which might serve as a decent pretence, if that nobleman were so disposed, for maintaining friendship with the Duke of Burgundy.

Edward, impatient to take revenge on his enemies, and to recover his lost authority, made an attempt to land with his forces, which exceeded not 2000 men, on the coast of Norfolk; but being there repulsed, he sailed northwards, and (A.D. 1471, March 25) disembarked at Ravenspur, in Yorkshire. Finding that the new magistrates, who had been appointed by the Earl of Warwick, kept the people everywhere from joining him, he pretended, and even made oath, that he came not to challenge the crown, but only the inheritance of the house of York, which of right belonged to him; and that he did not intend to disturb the peace of the kingdom. His partisans every moment flocked to his standard. He was admitted into the city of York, and he was soon in such a situation as gave him hopes of succeeding in all his claims and pretensions. The Marquis of Montague commanded in the northern counties, but from some mysterious reasons, which, as well as many other important transactions in that age, no historian has cleared up, he totally neglected the beginnings of an insurrection, which he ought to have esteemed so formidable. Warwick assembled an army at Leicester, with an intention of meeting and of giving battle to the enemy; but Edward, by taking another road, passed him unmolested, and presented himself before the gates of London. Had he here been refused admittance, he was totally undone; but there were many reasons which inclined the citizens to favour him. His numerous friends, issuing from their sanctuaries, were active in his cause; many rich merchants, who had formerly lent him money, saw no other chance for their payment but his restoration; the city dames, who had been liberal of their favours to him, and who still retained an affection for this young and gallant prince, swayed their husbands and friends in his favour (Comines, liv. iii., chap. 7), and above all, the Archbishop of York, Warwick's brother, to whom the care of the city was committed, had secretly, from unknown reasons, entered into a correspondence with them, and he facilitated Edward's admission (April 11) into London. The most likely cause which can be assigned for those multiplied infidelities, even in the family of Nevill itself, is the spirit of faction, which, when it becomes inveterate, it is very difficult for any man entirely to shake off. The persons, who had long distinguished themselves in the York party, were unable to act with zeal and cordiality for the support of the Lancastrians; and they were inclined, by any prospect of favour or accommodation offered them by Edward, to return to their ancient connections. However this may be, Edward's entrance into London made him master not only of that rich and powerful city,

but also of the person of Henry, who, destined to be the sport of fortune, thus fell again into the hands of its enemies (Grafton, p. 702).

It appears not that Warwick during his short administration, which had continued only six months, had been guilty of any unpopular act, or had anywise deserved to lose that general favour with which he had so lately overwhelmed Edward. But this prince, who was formerly on the defensive, was now the aggressor; and having overcome the difficulties which always attend the beginnings of an insurrection, possessed many advantages above his enemy; his partisans were actuated by that zeal and courage which the notion of an attack inspires, his opponents were intimidated for a like reason, every one who had been disappointed in the hopes which he had entertained from Warwick's elevation, either became a cool friend or an open enemy to that nobleman, and each malcontent from whatever cause, proved an accession to Edward's army. The king, therefore, found himself in a condition to face the Earl of Warwick, who being reinforced by his son-in-law, the Duke of Clarence, and his brother the Marquis of Montague, took post at Barnet, in the neighbourhood of London. The arrival of Queen Margaret was every day expected, who would have drawn together all the genuine Lancastrians, and have brought a great accession to Warwick's forces; but this very consideration proved a motive to the earl rather to hurry on a decisive action, than to share the victory with rivals and ancient enemies, who he foresaw would in case of success, claim the chief merit in the enterprise (Comines, liv. iii., chap. 7). But while his jealousy was all directed towards that side, he overlooked the dangerous infidelity of friends who lay the nearest to his bosom. His brother Montague, who had lately temporised, seems now to have remained sincerely attached to the interests of his family; but his son-in-law, though bound to him by every tie of honour and gratitude, though he shared the power of the regency, though he had been invested by Warwick in all the honours and patrimony of the house of York, resolved to fulfil the secret engagements which he had formerly taken with his brother, and to support the interests of his own family; he deserted to the king in the night time, and carried over a body of 12,000 men along with him. Warwick was now too far advanced to retreat, and as he rejected with disdain all terms of peace offered him by Edward and Clarence, he was obliged to hazard a general engagement. The battle was fought (A.D. 1471, April 14) with obstinacy on both sides, the two armies, in imitation of their leaders, displayed uncommon valour, and the victory remained long undecided between them. But an accident threw the balance to the side of the Yorkists. Edward's cognisance was a sun, that of Warwick a star with rays; and the mistiness of the morning rendering it difficult to distinguish them, the Earl of Oxford, who fought on the side of the Lancastrians, was by mistake attacked by his friends and chased off the field of battle (Habington, p. 449). Warwick, contrary to his more usual practice, engaged that day on foot, resolving to show his army that he meant to share every fortune with them, and he was slain in the thickest of the engagement (Comines, liv. iii., chap. 7), his brother underwent the same fate; and as Edward had issued orders

<sup>1</sup> Grafton, p. 700. Comines, liv. iii., chap. 7. Leland's Collect., vol. ii., p. 505

not to give any quarter, a great and undistinguished slaughter was made in the pursuit (Hall, fol. 218). There fell about 1500 on the side of the victors.

The same day on which this decisive battle was fought (Leland's Collect, vol. ii., p. 505), Queen Margaret and her son, now about eighteen years of age, and a young prince of great hopes, landed at Weymouth, supported by a small body of French forces. When this princess received intelligence of her husband's captivity, and of the defeat and death of the Earl of Warwick, her courage, which had supported her under so many disastrous events, here quite left her, and she immediately foresaw all the dismal consequences of this calamity. At first she took sanctuary in the abbey of Beaulieu,<sup>1</sup> but being encouraged by the appearance of Tudor, Earl of Pembroke, and Courtney, Earl of Devonshire, of the Lords Wenlock and St. John, with other men of rank, who exhorted her still to hope for success, she resumed her former spirit, and determined to defend to the utmost the ruins of her fallen fortunes. She advanced through the counties of Devon, Somerset, and Gloucester, increasing her army on each day's march; but was at last overtaken by the rapid and expeditious Edward at Tewkesbury, on the banks of the Severn. The Lancastrians were (A.D. 1471, May 4th) here totally defeated; the Earl of Devonshire and Lord Wenlock were killed in the field; the Duke of Somerset, and about twenty other persons of distinction having taken shelter in a church, were surrounded, dragged out, and immediately beheaded; about 3000 of their side fell in battle, and the army was entirely dispersed.

Queen Margaret and her son were taken prisoners, and (May 21) brought to the king, who asked the prince after an insulting manner, how he dared to invade his dominions? The young prince, more mindful of his high birth than of his present fortune, replied, that he came thither to claim his just inheritance. The ungenerous Edward, insensible to pity, struck him on the face with his gauntlet, and the Dukes of Clarence and Gloucester, Lord Hastings, and Sir Thomas Gray, taking the blow as a signal for further violence, hurried the prince into the next apartment, and there dispatched him with their daggers.<sup>2</sup> Margaret was thrown into the Tower; King Henry expired in that confinement a few days after the battle of Tewkesbury, but whether he died a natural or violent death is uncertain. It is pretended, and was generally believed, that the Duke of Gloucester killed him with his own hands (Comines; Hall, fol. 223; Grafton, p. 703); but the universal odium which that prince has incurred inclined perhaps the nation to aggravate his crimes without any sufficient authority. It is certain, however, that Henry's death was sudden, and though he laboured under an ill state of health, this circumstance joined to the general manners of the age, gave a natural ground of suspicion, which was rather increased than diminished by the exposing of his body to public view. That precaution served only to recall many similar instances in the English history, and to suggest the comparison.

All the hopes of the house of Lancaster seemed now to be utterly extinguished. Every legitimate prince of that family was dead;

<sup>1</sup> Hall, fol. 219. Habington, p. 451; Grafton, p. 706, Polyd. Verg., p. 528.

<sup>2</sup> Hall, fol. 221, Habington, p. 453, Holingshead, p. 688, Polyd. Verg., p. 530.

almost every great leader of the party had perished in battle, or on the scaffold, the Earl of Pembroke, who was levying forces in Wales, disbanded his army when he received intelligence of the battle of Tewkesbury, and fled into Brittany with his nephew, the young Earl of Richmond (Habington, p 454; Polyd. Verg., p 531). The bastard of Falconberg, who had levied some forces, and had advanced to London during Edward's absence, was repulsed, his men deserted him, he was taken prisoner and immediately executed; and peace being now fully restored to the nation, a parliament was summoned, which (A.D. 1471, Oct. 6th) ratified as usual all the acts of the victor, and recognised his legal authority.

But this prince, who had been so firm and active and intrepid, during the course of adversity, was still unable to resist the allurements of a prosperous fortune, and he wholly devoted himself, as before, to pleasure and amusement, after he became entirely master of his kingdom, and had no longer any enemy who could give him anxiety or alarm. He recovered, however, by this gay and inoffensive course of life, and by his easy, familiar manners, that popularity which, it is natural to imagine, he had lost by the repeated cruelties exercised upon his enemies; and the example also of his jovial festivity served to abate the former acrimony of faction among his subjects, and to restore the social disposition which had been so long interrupted between the opposite parties. All men seemed to be fully satisfied with the present government, and the memory of past calamities served only to impress the people more strongly with a sense of their allegiance, and with the resolution of never incurring any more the hazard of renewing such direful scenes.

But while the king was thus (A.D. 1474) indulging himself in pleasure, he was roused from his lethargy by a prospect of foreign conquests, which it is probable his desire of popularity more than the spirit of ambition had made him covet. Though he deemed himself little beholden to the Duke of Burgundy for the reception which that prince had given him during his exile (Comines, liv iii, chap. 7), the political interests of their states maintained still a close connection between them, and they agreed to unite their arms in making a powerful invasion on France. A league was formed, in which Edward stipulated to pass the seas with an army exceeding 10,000 men, and to invade the French territories, Charles promised to join him with all his forces, the king was to challenge the crown of France, and to obtain at least the provinces of Normandy and Guienne; the duke was to acquire Champagne and some other territories, and to free all his dominions from the burden of homage to the crown of France, and neither party was to make peace without the consent of the other (Rymer, vol. xi., pp. 806, 807, 808, etc.). They were the more encouraged to hope for success from this league, as the Count of St. Pol, constable of France, who was master of St. Quentin, and other towns on the Somme, had secretly promised to join them, and there were also hopes of engaging the Duke of Brittany to enter into the confederacy.

The prospect of a French war was always a sure means of making the parliament open their purses, as far as the habits of that age would

<sup>1</sup> Holingshead, pp 689, 690, 693, Hist Croyl cont, p 554

permit. They voted the king a tenth of rents, or two shillings in the pound, which must have been very inaccurately levied, since it produced only 31,460*l.*; and they added to this supply a whole fifteenth, and three quarters of another (Cotton, pp. 696, 700; Hist. Croyl. cont., p. 558). But as the king deemed these sums still unequal to the undertaking, he attempted to levy money by way of benevolence; a kind of exaction, which, except during the reigns of Henry III. and Richard II., had not been much practised in former times, and which, though the consent of the parties was pretended to be gained, could not be deemed entirely voluntary.<sup>1</sup> The clauses annexed to the parliamentary grant show sufficiently the spirit of the nation in this respect. The money levied by the fifteenth was not to be put into the king's hands, but to be kept in religious houses; and if the expedition into France should not take place, it was immediately to be refunded to the people. After these grants the parliament was dissolved, which had sitten nearly two years and a half, and had undergone several prorogations; a practice not very usual at that time in England.

The king (A.D. 1475) passed over to Calais with an army of 1500 men-at-arms and 15,000 archers, attended by all the chief nobility of England, who, prognosticating future successes from the past, were eager to appear on this great theatre of honour.<sup>2</sup> But all their sanguine hopes were damped, when they found, on entering the French territories, that neither did the constable open his gates to them, nor the Duke of Burgundy bring them the smallest assistance. That pounce, transported by his ardent temper, had carried all his armies to a great distance, and had employed them in wars on the frontiers of Germany, and against the Duke of Lorraine; and though he came in person to Edward, and endeavoured to apologize for this breach of treaty, there was no prospect that they would be able this campaign to make a conjunction with the English. This circumstance gave great disgust to the king, and inclined him to hearken to those advances which Lewis continually made him for an accommodation.

That monarch, more swayed by political views than by the point of honour, deemed no submissions too mean which might free him from enemies who had proved so formidable to his predecessors, and who, united to so many other enemies, might still shake the well-established government of France. It appears from Comines, that discipline was at this time very imperfect among the English; and that their civil wars, though long continued, yet, being always decided by hasty battles, had still left them ignorant of the improvements which the military art was beginning to receive upon the continent (Comines, liv. iv., chap. 5). But as Lewis was sensible that the warlike genius of the people would soon render them excellent soldiers, he was far from despising them for their present want of experience, and he employed all his art to detach them from the alliance of Burgundy. When Edward sent him a herald to claim the crown of France, and to carry him a defiance in case of refusal, so far from answering to this bravado in like haughty terms, he replied with great temper, and even made the

<sup>1</sup> Hall, fol. 226, Habington, p. 461; Grafton, p. 719; Fabian, fol. 221.

<sup>2</sup> Comines, liv. iv., chap. 5. This author says (chap. 17), that the king artfully brought over some of the richest of his subjects, who, he knew, would be soon tired of the war, and would promote all proposals of peace, which he foresaw would be soon necessary.



herald a considerable present (Comines, liv. iv., chap. 5; Hall, fol. 227). He took afterwards (Aug. 29) an opportunity of sending a herald to the English camp; and having given him directions to apply to the Lords Stanley and Howard, who, he heard, were friends to peace, he desired the good offices of these noblemen in promoting an accommodation with their master (Comines, liv. iv., chap. 7). As Edward was now fallen into like dispositions, a truce was soon concluded on terms more advantageous than honourable to Lewis. He stipulated to pay Edward immediately 75,000 crowns, on condition that he should withdraw his army from France, and promised to pay him 50,000 crowns a year during their joint lives. It was added that the dauphin, when of age, should marry Edward's eldest daughter (Rymer, vol. xii., p. 17). In order to ratify this treaty, the two monarchs agreed to have a personal interview, and for that purpose suitable preparations were made at Pecquigni, near Amiens. A close rail was drawn across a bridge in that place, with no larger intervals than would allow the arm to pass, a precaution against a similar accident to that which befel the Duke of Burgundy in his conference with the dauphin at Montreau. Edward and Lewis came to the opposite sides, conferred privately together, and having confirmed their friendship, and interchanged many mutual civilities, they soon after parted (Comines, lib. iv., ch. 9).

Lewis was anxious not only to gain the king's friendship, but also that of the nation, and of all the considerable persons in the English court. He bestowed pensions, to the amount of 16,000 crowns a year, on several of the king's favourites, on Lord Hastings 2000 crowns; on Lord Howard and others in proportion; and these great ministers were not ashamed thus to receive wages from a foreign prince (Hall, fol. 235). As the two armies, after the conclusion of the truce, remained some time in the neighbourhood of each other, the English were not only admitted freely into Amiens, where Lewis resided, but had also their charges defrayed, and had wine and victuals furnished them in every inn, without any payments being demanded. They flocked thither in such multitudes, that once above 9000 of them were in the town, and they might have made themselves masters of the king's person, but Lewis concluding, from their jovial and dissolute manner of living, that they had no bad intentions, was careful not to betray the least sign of fear or jealousy. And when Edward, informed of this disorder, desired him to shut the gates against him, he replied, that he would never agree to exclude the English from the place where he resided; but that Edward, if he pleased, might recall them, and place his own officers at the gates of Amiens to prevent their returning (Comines, liv. iv., chap. 9, Hall, fol. 233).

Lewis's desire of confirming a mutual amity with England engaged him even to make imprudent advances, which it cost him afterwards some pains to evade. In the conference at Pecquigni, he had said to Edward, that he wished to have a visit from him at Paris; that he would there endeavour to amuse him with the ladies; and that, in case any offences were then committed, he would assign him the Cardinal of Bourbon for confessor, who, from fellow-feeling, would not be over and above severe in the penances which he would enjoin. This hint made deeper impression than Lewis intended. Lord Howard, who

accompanied him back to Amiens, told him in confidence, that if he were so disposed, it would not be impossible to persuade Edward to take a journey with him to Paris, where they might make merry together. Lewis pretended at first not to hear the offer; but, on Howard's repeating it, he expressed his concern that his wais with the Duke of Burgundy would not permit him to attend his royal guest, and do him the honours he intended. 'Edward,' said he, privately to Comines, 'is a very handsome and a very amorous prince; some lady at Paris may like him as well as he shall do her, and may invite him to return in another manner. It is better that the sea be between us' (Comines, liv. iv., chap. 10, Habington, p. 469).

This treaty did very little honour to either of these monarchs it discovered the imprudence of Edward, who had taken his measures so ill with his allies as to be obliged, after such an expensive armament, to return without making any acquisitions adequate to it; it showed the want of dignity in Lewis, who, rather than run the hazard of a battle, agreed to subject his kingdom to a tribute, and thus acknowledge the superiority of a neighbouring prince possessed of less power and territory than himself. But, as Lewis made interest the sole test of honour, he thought that all the advantages of the treaty were on his side, and that he had overreached Edward, by sending him out of France on such easy terms. For this reason he was very solicitous to conceal his triumph, and he strictly enjoined his counsellors never to show the least sign of mockery or derision. But he did not himself very carefully observe so prudent a rule. he could not forbear, one day, in the joy of his heart, throwing out some raillery on the easy simplicity of Edward and his council; when he perceived that he was overheard by a Gascon who had settled in England. He was immediately sensible of his indiscretion, sent a message to the gentleman, and offered him such advantages in his own country as engaged him to remain in France. 'It is but just,' said he, 'that I pay the penalty of my talkativeness' (Comines, liv. iii., chap. 10).

The most honourable part of Lewis's treaty with Edward was the stipulation for the liberty of Queen Margaret, who, though after the death of her husband and son she could no longer be formidable to government, was still detained in custody by Edward. Lewis paid 50,000 crowns for her ransom; and that princess, who had been so active on the stage of the world, and who had experienced such a variety of fortune, passed the remainder of her days in tranquillity and privacy till the year 1482, when she died; an admirable princess, but more illustrious by her undaunted spirit in adversity, than by her moderation in prosperity. She seems neither to have enjoyed the virtues, nor been subject to the weaknesses, of her sex; and was as much tainted with the ferocity, as endowed with the courage, of that barbarous age in which she lived.

Though Edward had so little reason to be satisfied with the conduct of the Duke of Burgundy, he reserved to that prince a power of acceding to the treaty of Pecquign, but Charles, when the offer was made him, haughtily replied, that he was able to support himself without the assistance of England, and that he would make no peace with Lewis till three months after Edward's return into his own country.

This prince possessed all the ambition and courage of a conqueror; but being defective in policy and prudence, qualities no less essential, he was unfortunate in all his enterprises, and perished at last in battle against the Swiss (Comines, liv. v., chap. 8), a people whom he despised, and who, though brave and free, had hitherto been in a manner overlooked in the general system of Europe. This event, which happened in the year 1477, produced a great alteration in the views of all the princes, and was attended with consequences which were felt for many generations. Charles left only one daughter, Mary, by his first wife; and this princess being heir of his opulent and extensive dominions, was courted by all the potentates of Christendom, who contended for the possession of so rich a prize. Lewis, the head of her family, might, by a proper application, have obtained this match for the dauphin, and have thereby united to the crown of France all the provinces of the Low Countries, together with Burgundy, Artois, and Picardy, which would at once have rendered his kingdom an overmatch for all its neighbours. But a man wholly interested is as rare as one entirely endowed with the opposite quality; and Lewis, though impregnable to all the sentiments of generosity and friendship, was, on this occasion, carried from the road of true policy by the passions of animosity and revenge. He had imbibed so deep a hatred to the house of Burgundy, that he rather chose to subdue the princess by arms, than unite her to his family by marriage. He conquered the duchy of Burgundy and that part of Picardy which had been ceded to Philip the Good by the treaty of Arras, but he thereby forced the states of the Netherlands to bestow their sovereign in marriage on Maximilian of Austria, son of the Emperor Frederick, from whom they looked for protection in their present distresses; and by these means France lost the opportunity, which she never could recall, of making that important acquisition of power and territory.

During this interesting crisis, Edward was no less defective in policy and was no less actuated by private passions, unworthy of a sovereign and a statesman. Jealousy of his brother, Clarence, had caused him to neglect the advances which were made of marrying that prince, now a widower, to the heiress of Burgundy,<sup>1</sup> and he sent her proposals of espousing Anthony, Earl of Rivers, brother to his queen, who still retained an entire ascendant over him. But the match was rejected with disdain (Hall, fol. 240); and Edward, resenting this treatment of his brother-in-law, permitted France to proceed without interruption in her conquests over his defenceless ally. Any pretence sufficed him for abandoning himself entirely to indolence and pleasure, which were now become his ruling passions. The only object which divided his attention, was the improving of the public revenue, which had been dilapidated by the necessities or negligence of his predecessors; and some of his expedients for that purpose, though unknown to us, were deemed, during the time, oppressive to the people (Ibid., 241; Hist. Croyl. cont., p. 559). The detail of private wrongs naturally escapes the notice of history; but an act of tyranny, of which Edward was guilty in his own family, has been taken notice of by all writers, and has met with general and deserved censure.

The Duke of Clarence, by all his services in deserting Warwick, had

<sup>1</sup> Polyd. Verg., Hall, fol. 240; Holingshed, p. 703. Habington, p. 474, Grafton, p. 742

never been able to regain the king's friendship which he had forfeited by his former confederacy with that nobleman. He was still regarded at court as a man of a dangerous and fickle character; and the imprudent openness and violence of his temper, though it rendered him much less dangerous, tended extremely to multiply his enemies, and to incense them against him. Among others he had had the misfortune to give displeasure to the queen herself, as well as to his brother, the Duke of Gloucester, a prince of the deepest policy, of the most unrelenting ambition, and the least scrupulous in the means which he employed for the attainment of his ends. A combination between these potent adversaries being secretly formed against Clarence, it was determined to begin by attacking his friends, in hopes that if he patiently endured this injury, his pusillanimity would dishonour him in the eyes of the public; if he made resistance and expressed resentment, his passion would betray him into measures which might give them advantages against him. The king, hunting one day (A.D. 1477) in the park of Thomas Burdet of Arrow, in Warwickshire, had killed a white buck which was a great favourite of the owner; and Burdet, vexed at the loss, broke into a passion, and wished the horns of the deer in the belly of the person who had advised the king to commit that insult upon him. This natural expression of resentment, which would have been overlooked or forgotten had it fallen from any other person, was rendered criminal and capital in that gentleman by the friendship in which he had the misfortune to live with the Duke of Clarence. He was tried for his life; the judges and jury were found seivile enough to condemn him, and he was publicly beheaded at Tyburn for this pretended offence.<sup>1</sup> About the same time, one John Stacey, an ecclesiastic much connected with the duke as well as with Burdet, was exposed to a like iniquitous and barbarous prosecution. This clergyman being more learned in mathematics and astronomy than was usual in that age, lay under the imputation of necromancy with the ignorant vulgar; and the court laid hold of this popular rumour to effect his destruction. He was brought to his trial for that imaginary crime; many of the greatest peers countenanced the prosecution by their presence; he was condemned, put to the torture, and executed (Hist. Croyl. cont., p. 561).

The Duke of Clarence was alarmed when he found these acts of tyranny exercised on all around him. He reflected on the fate of the good Duke of Gloucester in the last reign, who after seeing the most infamous pretences employed for the destruction of his nearest connections, at last fell himself a victim to the vengeance of his enemies. But Clarence, instead of securing his own life against the present danger by silence and reserve, was open and loud in justifying the innocence of his friends, and in exclaiming against the iniquity of their prosecutors. The king, highly offended with his freedom or using that pretence against him, committed him to the Tower (Ibid., p. 562), summoned a parliament, and (Jan. 16, A.D. 1478) tried him for his life before the House of Peers, the supreme tribunal of the nation.

The duke was accused of arraigning public justice by maintaining the innocence of men who had been condemned in courts of judicature, and of inveighing against the iniquity of the king who had given orders

<sup>1</sup> Habington, p. 475; Holingshed, p. 703; Sir Thos. More, p. 231, Ed. 1870.

for their prosecution (Stowe, p. 430). Many rash expressions were imputed to him, and some too reflecting on Edward's legitimacy; but he was not accused of any overt act of treason; and even the truth of these speeches may be doubted of, since the liberty of judgment was taken from the court by the king's appearing personally as his brother's accuser (Hist. Croyl. cont, p. 562), and pleading the cause against him. But a sentence of condemnation, even when this extraordinary circumstance had not place, was a necessary consequence, in those times, of any prosecution by the court or the prevailing party; and the Duke of Clarence was pronounced guilty by the peers. The House of Commons were no less slavish and unjust. They both petitioned for the execution of the duke, and afterwards passed a bill of attainder against him (Stowe, p. 430; Hist. Croyl. cont, p. 562). The measures of the parliament during that age furnish us with examples of a strange contrast of freedom and servility. They scruple to grant and sometimes refuse to the king the smallest supplies, the most necessary for the support of government, even the most necessary for the maintenance of wars, for which the nation as well as the parliament itself expressed great fondness; but they never scruple to concur in the most flagrant act of injustice or tyranny which falls on any individual however distinguished by birth or merit. These maxims, so ungenerous, so opposite to all principles of good government, so contrary to the practice of present parliaments, are very remarkable in all the transactions of the English history for more than a century after the period in which we are now engaged.

The only favour which the king granted his brother after his condemnation, was to leave him the choice of his death; and he was (Feb. 18, A.D. 1478) privately drowned in a butt of malmsey in the Tower; a whimsical choice, which implies that he had an extraordinary passion for that liquor. The duke left two children by the elder daughter of the Earl of Warwick. a son, created an earl by his grandfather's title, and a daughter, afterwards Countess of Salisbury. Both this prince and princess were also unfortunate in their end, and died a violent death; a fate which for many years attended almost all the descendants of the royal blood in England. There prevails a report that a chief source of the violent prosecution of the Duke of Clarence, whose name was George, was a current prophecy that the king's son should be murdered by one, the initial letter of whose name was G.<sup>1</sup> It is not impossible but in those ignorant times such a silly reason might have some influence: but is more probable that the whole story is the invention of a subsequent period, and founded on the murder of these children by the Duke of Gloucester. Comines remarks that at that time the English never were without some superstitious prophecy or other by which they accounted for every event.

All the glories of Edward's reign terminated with the civil wars, where his laurels too were extremely sullied with blood, violence, and cruelty. His spirit seems afterwards to have been sunk in indolence and pleasure, or his measures were frustrated by imprudence and the want of foresight. There was no object on which he was more intent

<sup>1</sup> Hall, fol. 239. Holingshed, p. 703; Grafton, p. 741; Polyd. Verg., p. 537; Sir Thos. More, p. 228, Ed. 1870

than to have all his daughters settled by splendid marriages, though most of these princesses were children in infancy and though the completion of his views, it was obvious must depend on numberless accidents which were impossible to be foreseen or prevented. His eldest daughter, Elizabeth, was contracted to the dauphin, his second, Cicely, to the eldest son of James III., King of Scotland; his third, Anne, to Philip, only son of Maximilian and the Duchess of Burgundy; his fourth, Catharine, to John, son and heir to Ferdinand, King of Arragon, and Isabella, Queen of Castile (Rymer, vol. xi., p. 110). None of these projected marriages took place; and the king himself saw in his lifetime, the rupture of the first, that with the dauphin, for which he had always discovered a peculiar fondness. Lewis, who paid no regard to treaties or engagements, found his advantage in contacting the dauphin to the Princess Margaret, daughter of Maximilian; and the king, notwithstanding his indolence, prepared to revenge the indignity. The French monarch, eminent for prudence as well as perfidy, endeavoured to guard against the blow; and by a proper distribution of presents in the court of Scotland, he incited James to make war upon England. This prince, who lived on bad terms with his own nobility and whose force was very unequal to the enterprise, levied an army; but when he was ready to enter England, the barons, conspiring against his favourites, put them to death without trial, and the army presently disbanded. The Duke of Gloucester, attended by the Duke of Albany, James's brother, who had been banished his country, entered Scotland at the head of an army, took Berwick, and obliged the Scots to accept of a peace by which they resigned that fortress to Edward. This success emboldened the king to think more seriously of a French war; but while he was making preparations for that enterprise, he was (A.D. 1482, April 9) seized with a distemper of which he expired in the forty-second year of his age, and the twenty-third of his reign: a prince more splendid and showy than either prudent or virtuous; brave, though cruel; addicted to pleasure, though capable of activity in great emergencies; and less fitted to prevent ills by wise precautions than to remedy them after they took place by his vigour and enterprise. Besides five daughters, this king left two sons—Edward, Prince of Wales, his successor, then in his thirteenth year, and Richard, Duke of York, in his ninth.

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## CHAPTER XXIII.

### EDWARD V. AND RICHARD III.

*Edward V.—State of the Court—The Earl of Rivers arrested.—Duke of Gloucester protector.—Execution of Lord Hastings.—The Protector aims at the crown.—Assumes the crown.—Murder of Edward V. and of the Duke of York—Richard III.—Duke of Buckingham discontented.—The Earl of Richmond—Buckingham executed.—Invasion by the Earl of Richmond.—Battle of Bosworth.—Death and character of Richard III.*

#### EDWARD V.

DURING the later years of Edward IV., the nation having, in a great

measure, forgotten the bloody feuds between the two roses, and peaceably acquiescing in the established government, was (A.D. 1483) agitated only by some court intrigues, which being restrained by the authority of the king, seemed nowise to endanger the public tranquillity. These intrigues arose from the perpetual rivalry between two parties, one consisting of the queen and her relations, particularly the Earl of Rivers, her brother, and the Marquis of Dorset, her son; the other composed of the ancient nobility, who envied the sudden growth and unlimited credit of that aspiring family (Sir Thos. More, p. 194, ed. 1870). At the head of this latter party was the Duke of Buckingham, a man of very noble birth, of ample possessions, of great alliances, of shining parts, who, though he had married the queen's sister, was too haughty to act in subserviency to her inclinations, and aimed rather at maintaining an independent influence and authority. Lord Hastings, the chamberlain, was another leader of the same party; and as this nobleman had, by his bravery and activity, as well as by his approved fidelity, acquired the confidence and favour of his master, he had been able, though with some difficulty, to support himself against the credit of the queen. The Lords Howard and Stanley maintained a connection with these two noblemen, and brought a considerable accession of influence and reputation to their party. All the other barons, who had no particular dependence on the queen, adhered to the same interest, and the people in general from their natural envy against the prevailing power, bore great favour to the cause of these noblemen.

But Edward knew that, though he himself had been able to overawe those rival factions, many disorders might arise from their contests during the minority of his son; and he therefore took care, in his last illness, to summon together several of the leaders on both sides, and by composing their ancient quarrels, to provide as far as possible for the future tranquillity of the government. After expressing his intention that his brother, the Duke of Gloucester, then absent in the north, should be entrusted with the regency, he recommended to them peace and unanimity during the tender years of his son; represented to them the dangers which must attend the continuance of their animosities, and engaged them to embrace each other with all the appearance of the most cordial reconciliation. But this temporary or feigned agreement lasted no longer than the king's life; he had no sooner expired, than the jealousies of the parties broke out afresh; and each of them applied, by separate messages to the Duke of Gloucester, and endeavoured to acquire his favour and friendship.

This prince, during his brother's reign, had endeavoured to live on good terms with both parties, and his high birth, his extensive abilities, and his great services, had enabled him to support himself without falling into a dependence on either. But the new situation of affairs, when the supreme power was devolved upon him, immediately changed his measures, and he secretly determined to preserve no longer that neutrality which he had hitherto maintained. His exorbitant ambition, unrestrained by any principle either of justice or humanity, made him carry his views to the possession of the crown itself; and as this object could not be attained without the ruin of the queen and her

family, he fell, without hesitation, into concert with the opposite party. But being sensible that the most profound dissimulation was requisite for effecting his criminal purposes, he redoubled his professions of zeal and attachment to that princess; and he gained such credit with her, as to influence her conduct in a point, which, as it was of the utmost importance, was violently disputed between the opposite factions.

The young king, at the time of his father's death, resided in the castle of Ludlow, on the borders of Wales; whither he had been sent, that the influence of his presence might overawe the Welsh, and restore the tranquillity of that country, which had been disturbed by some late commotions. His person was committed to the care of his uncle, the Earl of Rivers, the most accomplished nobleman in England who, having united an uncommon taste for literature<sup>1</sup> to great abilities in business and valour in the field, was entitled by his talents, still more than by nearness of blood, to direct the education of the young monarch. The queen, anxious to preserve that ascendant over her son, which she had long maintained over her husband, wrote to the Earl of Rivers, that he should levy a body of forces, in order to escort the king to London, to protect him during his coronation, and to keep him from falling into the hands of their enemies. The opposite faction, sensible that Edward was now of an age when great advantages could be made of his name and countenance, and was approaching to the age when he would be legally entitled to exert in person his authority, foresaw, that the tendency of this measure was to perpetuate their subjection under their rivals, and they vehemently opposed a resolution which they represented as the signal for renewing a civil war in the kingdom. Lord Hastings threatened to depart instantly to his government of Calais (*Hist. Croyl. cont.*, pp. 564, 565): the other nobles seemed resolute to oppose force by force; and as the Duke of Gloucester, on pretence of pacifying the quarrel, had declared against all appearance of an armed power, which might be dangerous, and was nowise necessary, the queen, trusting to the sincerity of his friendship, and overawed by so violent an opposition, recalled her orders to her brother, and desired him to bring up no greater retinue than should be necessary to support the state and dignity of the young sovereign (*Sir T. More*, p. 197, ed. 1870).

The Duke of Gloucester, meanwhile set out from York, attended by a numerous train of the northern gentry. When he reached Northampton, he was joined by the Duke of Buckingham, who was also attended by a splendid retinue, and as he heard that the king was hourly expected on that road, he resolved to await his arrival, under colour of conducting him thence in person to London. The Earl of Rivers, apprehensive that the place would be too narrow to contain so many attendants, sent his pupil forward by another road to Stony Stratford, and came himself to Northampton, in order to apologise for this measure, and to pay his respects to the Duke of Gloucester. He was received with the greatest appearance of cordiality; he passed the evening in an amicable manner with Gloucester and Buckingham;

<sup>1</sup> This nobleman first introduced the noble art of printing into England. Caxton was recommended by him to the patronage of Edw. IV. *Catalogue of Royal and Noble Authors.*



he proceeded on the road with them next day to join the king; but as he was entering Stony Stratford, he was arrested (May 1) by orders from the Duke of Gloucester (*Hist. Croyl. cont.*, pp. 564, 565); Sir Richard Gray, one of the queen's sons, was at the same time put under a guard, together with Sir Thomas Vaughan, who possessed a considerable office in the king's household, and all the prisoners were instantly conducted to Pomfret. Gloucester approached the young prince with the greatest demonstrations of respect, and endeavoured to satisfy him with regard to the violence committed on his uncle and brother; but Edward, much attached to these near relations, by whom he had been tenderly educated, was not such a master of dissimulation as to conceal his displeasure (*Sir T. More*, p. 199, ed. 1870).

The people, however, were extremely rejoiced at this (May 4) revolution, and the duke was received in London with the loudest acclamations, but the queen no sooner received intelligence of her brother's imprisonment, than she foresaw that Gloucester's violence would not stop there, and that her own ruin, if not that of all her children, was finally determined. She therefore fled into the sanctuary of Westminster, attended by the Marquis of Dorset, and she carried thither the five princesses, together with the Duke of York (*Hist. Croyl. cont.*, p. 565). She trusted that the ecclesiastical privileges which had formerly, during the total ruin of her husband and family, given her protection against the fury of the Lancastrian faction, would not now be violated by her brother-in-law, while her son was on the throne; and she resolved to await there the return of better fortune. But Gloucester, anxious to have the Duke of York in his power, proposed to take him by force from the sanctuary; and he represented to the privy council, both the indignity put upon the government by the queen's ill-grounded apprehensions, and the necessity of the young prince's appearance at the ensuing coronation of his brother. It was further urged, that ecclesiastical privileges were originally intended only to give protection to unhappy men, persecuted for their debts or crimes; and were entirely useless to a person, who, by reason of his tender age, could lie under the burden of neither, and who, for the same reason, was utterly incapable of claiming security from any sanctuary. But the two archbishops, Cardinal Bourchier, the primate, and Rotherham, Archbishop of York, protesting against the sacrilege of this measure, it was agreed, that they should first endeavour to bring the queen to compliance by persuasion, before any violence should be employed against her. These prelates were persons of known integrity and honour; and being themselves entirely persuaded of the duke's good intentions, they employed every argument, accompanied with earnest entreaties, exhortations, and assurances, to bring her over to the same opinion. She long continued obstinate, and insisted that the Duke of York, by living in the sanctuary, was not only secure himself, but gave security to the king, whose life no one would dare to attempt, while his successor and avenger remained in safety. But finding that none supported her in these sentiments, and that force, in case of refusal, was threatened by the council, she at last complied, and produced her son to the two prelates. She was here on a sudden struck with a kind of presage of his future fate, she tenderly

embraced him; she bedewed him with her tears, and bidding him an eternal adieu, delivered him, with many expressions of regret and reluctance into their custody (Sir T. More, p. 216, ed. 1870).

The Duke of Gloucester, being the nearest male of the royal family capable of exercising the government, seemed entitled, by the customs of the realm, to the office of protector; and the council, not waiting for the consent of parliament, made no scruple of investing him with that high dignity (Hist. Croyl. cont., p. 566). The general prejudice, entertained by the nobility against the queen and her kindred, occasioned this precipitation and irregularity; and no one foresaw any danger to the succession, much less to the lives of the young princes, from a measure so obvious and so natural. Besides that the duke had hitherto been able to cover, by the most profound dissimulation, his fierce and savage nature; the numerous issue of Edward, together with the two children of Clarence, seemed to be an eternal obstacle to his ambition; and it appeared equally impracticable for him to destroy so many persons possessed of a preferable title, and imprudent to exclude them. But a man who had abandoned all principles of honour and humanity was soon carried by his predominant passion beyond the reach of fear or precaution; and Gloucester, having so far succeeded in his views, no longer hesitated in removing the other obstructions which lay between him and the throne. The death of the Earl of Rivers, and of the other prisoners detained in Pomfret, was first determined; and he easily obtained the consent of the Duke of Buckingham, as well as of Lord Hastings, to this violent and sanguinary measure. However easy it was in those times to procure a sentence against the most innocent person, it appeared still more easy to dispatch an enemy, without any trial or form of process; and orders were accordingly issued to Sir Richard Ratcliffe, a proper instrument in the hands of this tyrant, to cut off the heads of the prisoners. The protector then assailed the fidelity of Buckingham by all the arguments capable of swaying a vicious mind, which knew no motive of action but interest and ambition. He represented that the execution of persons so nearly related to the king, whom that prince so openly professed to love, and whose fate he so much resented, would never pass unpunished; and all the actors in that scene were bound in prudence to prevent the effects of his future vengeance; that it would be impossible to keep the queen for ever at a distance from her son, and equally impossible to prevent her from instilling into his tender mind the thoughts of retaliating by like executions the sanguinary insults committed on her family; that the only method of obviating these mischiefs was to put the sceptre in the hands of a man, of whose friendship the duke might be assured, and whose years and experience taught him to pay respect to merit and to the rights of ancient nobility, and that the same necessity which had carried them so far in resisting the usurpation of these intruders must justify them in attempting farther innovations, and, in making, by national consent, a new settlement of the succession. To these reasons he added the offers of great private advantages to the Duke of Buckingham; and he easily obtained from him a promise of supporting him in all his enterprises.

The Duke of Gloucester, knowing the importance of gaining Lord

Hastings, sounded at a distance his sentiments, by means of Catesby, a lawyer, who lived in great intimacy with that nobleman; but found him impregnable in his allegiance and fidelity to the children of Edward, who had ever honoured him with his friendship (Sir. T. More, p 219, ed. 1870). He saw, therefore, that there were no longer any measures to be kept with him; and he determined to ruin utterly the man whom he despaired of engaging to concur in his usurpation. On the very day (June 13, 1483) when Rivers, Gray, and Vaughan were executed, or rather murdered, at Pomfret, by the advice of Hastings, the protector summoned a council in the Tower; whither that nobleman, suspecting no design against him, repaired without hesitation. The Duke of Gloucester was capable of committing the most bloody and treacherous murders with the utmost coolness and indifference. On taking his place at the council-table, he appeared in the easiest and most jovial humour imaginable. He seemed to indulge himself in familiar conversation with the counsellors before they should enter on business; and having paid some compliments to Morton, Bishop of Ely, on the good and early strawberries which he raised in his garden at Holborn, he begged the favour of having a dish of them, which that prelate immediately despatched a servant to bring to him. The protector then left the council, as if called away by some other business; but soon after returning with an angry and inflamed countenance, he asked them what punishment those deserved that had plotted against his life, who was so nearly related to the king, and was entrusted with the administration of government? Hastings replied, that they merited the punishment of traitors. 'These traitors,' cried the protector, 'are the sorceress, my brother's wife, and Jane Shore, his mistress, with others, their associates, see to what a condition they have reduced me by their incantations and witchcraft:' upon which he laid bare his arm, all shrivelled and decayed. But the counsellors, who knew that this infirmity had attended him from his birth, looked on each other with amazement, and above all, Lord Hastings, who, as he had since Edward's death engaged in an intrigue with Jane Shore,<sup>1</sup> was naturally anxious concerning the issue of these extraordinary proceedings. 'Certainly, my lord,' said he, 'if they be guilty of these crimes, they deserve the severest punishment.' 'And do you reply to me,' exclaimed the protector, 'with your ifs and your ands? You are the chief abettor of that witch, Shore; you are yourself a traitor; and I swear by St. Paul, that I will not dine before your head be brought me.' He struck the table with his hand; armed men rushed in at the signal; the counsellors were thrown into the utmost consternation; and one of the guards, as if by accident or mistake, aimed a blow with a poll-axe at Lord Stanley, who, aware of the danger, slunk under the table, and though he saved his life, received a severe wound in the head, in the

<sup>1</sup> Sir Thomas More, who has been followed or rather transcribed, by all historians of this short reign, says, that Jane Shore had fallen into connections with Lord Hastings (p. 221, Ed. 1870). And this account agrees best with the course of events. But in a proclamation of Richard's, to be found in Rymer, vol. xii, p. 204, the Marquis of Dorset is reproached with these connections. This reproach, however, might have been invented by Richard, or founded only on popular rumour, and is not sufficient to overbalance the authority of Sir Thomas More. The proclamation is remarkable for the hypocritical purity of manners affected by Richard. This bloody and treacherous tyrant upbraids the marquis and others with their gallantries and intrigues as the most terrible enormities.

protector's presence. Hastings was seized, and hurried away, and instantly beheaded on a timber-log, which lay in the court of the Tower (Hist. Croyl. cont., p. 566). Two hours after a proclamation, well penned and fairly written, was read to the citizens of London, enumerating his offences, and apologising to them, from the suddenness of the discovery, for the sudden execution of that nobleman, who was very popular among them; but the saying of a merchant was much talked of on the occasion, who remarked, that the proclamation was certainly drawn by the spirit of prophecy (Sir T. More, p. 226. Ed. 1870).

Lord Stanley, the Archbishop of York, the Bishop of Ely, and other counsellors, were committed prisoners in different chambers of the Tower; and the protector, in order to carry on the farce of his accusations, ordered the goods of Jane Shore to be seized; and he summoned her to answer before the council for sorcery and witchcraft. But as no proofs, which could be received even in that ignorant age, were produced against her, he directed her to be tried in the spiritual court for her adulteries and lewdness; and she did penance in a white sheet at St. Paul's before the whole people. This lady was born of reputable parents in London, was well educated, and married to a substantial citizen; but unhappily, views of interest, more than the maid's inclinations, had been consulted in the match, and her mind, though framed for virtue, had proved unable to resist the allurements of Edward, who solicited her favours. But while seduced from her duty by this gay and amorous monarch, she still made herself respectable by her other virtues; and the ascendant which her charms and vivacity long maintained over him, was all employed in acts of beneficence and humanity. She was still forward to oppose calumny, to protect the oppressed, to relieve the indigent; and her good offices, the genuine dictates of her heart, never waited the solicitation of presents, or the hopes of reciprocal services. But she lived not only to feel the bitterness of shame imposed on her by this tyrant, but to experience, in old age and poverty, the ingratitude of those courtiers, who had long solicited her friendship, and been protected by her credit. No one, among the great multitudes whom she had obliged, had the humanity to bring her consolation or relief; she languished out her life in solitude and indigence; and amidst a court inured to the most atrocious crimes, the frailties of this woman justified all violations of friendship towards her, and all neglect of former obligations.

These acts of violence, exercised against all the nearest connections of the late king, prognosticated the severest fate to his defenceless children; and after the murder of Hastings, the protector no longer made a secret of his intentions to usurp the crown. The licentious life of Edward, who was not restrained in his pleasures either by honour or prudence, afforded a pretence for declaring his marriage with the queen invalid, and all his posterity illegitimate. It was asserted that, before espousing the Lady Elizabeth Gray, he had paid court to the Lady Eleanor Talbot, daughter of the Earl of Shrewsbury; and being repulsed by the virtue of that lady, he was obliged, ere he could gratify his desires, to consent to a private marriage, without any witnesses, by Stillington, Bishop of Bath, who afterwards divulged the

secret.<sup>1</sup> It was also maintained, that the act of attainder passed against the Duke of Clarence had virtually incapacitated his children from succeeding to the crown; and these two families being set aside, the protector remained the only true and legitimate heir of the house of York. But as it would be difficult, if not impossible, to prove the preceding marriage of the late king, and as the rule which excludes the heirs of an attainted blood from private successions was never extended to the crown, the protector resolved to make use of another plea still more shameful and scandalous. His partisans were taught to maintain that both Edward IV. and the Duke of Clarence were illegitimate, that the Duchess of York had received different lovers into her bed, who were the fathers of these children; that their resemblance to those gallants was a sufficient proof of their spurious birth, and that the Duke of Gloucester alone, of all her sons, appeared, by his features and countenance, to be the true offspring of the Duke of York. Nothing can be imagined more impudent than this assertion, which threw so foul an imputation on his own mother, a princess of irreproachable virtue, and then alive; yet the place chosen for first promulgating it was the pulpit, before a large congregation, and in the protector's presence. Dr. Shaw was appointed to preach (June 22) in St Paul's; and having chosen this passage for his text, 'Bastard slips shall not thrive,' he enlarged on all the topics which would discredit the birth of Edward IV., the Duke of Clarence, and of all their children. He then broke out in a panegyric on the Duke of Gloucester, and exclaimed, 'Behold this excellent prince, the express image of his noble father, the genuine descendant of the house of York; bearing, no less in the virtues of his mind than in the features of his countenance, the character of the gallant Richard, once your hero and favourite; he alone is entitled to your allegiance; he must deliver you from the dominion of all intruders, he alone can restore the lost glory and honour of the nation.' It was previously concerted that as the doctor should pronounce these words, the Duke of Gloucester should enter the church; and it was expected that the audience would cry out, 'God save King Richard!' which would immediately have been laid hold of as a popular consent, and interpreted to be the voice of the nation; but by a ridiculous mistake, worthy of the whole scene, the duke did not appear till after this exclamation was already recited by the preacher. The doctor was therefore obliged to repeat his rhetorical figure out of its proper place; the audience, less from the absurd conduct of the discourse, than from their detestation of these proceedings, kept a profound silence; and the protector and his preacher were equally abashed at the ill success of their stratagem.

But the duke was too far advanced to recede from his criminal and ambitious purpose. A new expedient was tried to work on the people. The mayor, who was brother to Dr. Shaw, and entirely in the protector's interests, called an assembly of the citizens; where the Duke of Buckingham, who possessed some talents for eloquence, harangued them on the protector's title to the crown, and displayed those numerous virtues of which he pretended that prince was possessed. He next asked them whether they would have the duke for king? and then stopped

<sup>1</sup> Hist Croyl cont, p 567, Comines, Sir Thomas More, p. 233, ed 1870

in expectation of hearing the cry, 'God save King Richard!' He was surprised to observe them silent; and turning about to the mayor, asked him the reason. The mayor replied, that perhaps they did not understand him. Buckingham then repeated his discourse with some variation; enforced the same topics, asked the same question, and was received with the same silence. 'I now see the cause,' said the mayor; 'the citizens are not accustomed to be harangued by any but their recorder; and know not how to answer a person of your grace's quality.' The recorder, Fitz-Williams, was then commanded to repeat the substance of the duke's speech; but the man, who was averse to the office, took care, throughout his whole discourse, to have it understood that he spoke nothing of himself, and that he only conveyed to them the sense of the Duke of Buckingham. Still the audience kept a profound silence: 'This is wonderful obstinacy,' cried the duke. 'Express your meaning, my friends, one way or other; when we apply to you on this occasion, it is merely from the regard which we bear to you. The lords and commons have sufficient authority, without your consent, to appoint a king; but I require you here to declare in plain terms whether or not you will have the Duke of Gloucester for your sovereign?' After all these efforts, some of the meanest apprentices, incited by the protector's and Buckingham's servants, raised a feeble cry, 'God save King Richard!' (See T. More, p. 231, edit. 1870) The sentiments of the nation were now sufficiently declared; the voice of the people was the voice of God; and Buckingham, with the mayor, hastened (June 25) to Baynard's Castle, where the protector then resided, that they might make him a tender of the crown.

When Richard was told that a great multitude was in the court, he refused to appear to them, and pretended to be apprehensive for his personal safety; a circumstance taken notice of by Buckingham, who observed to the citizens, that the prince was ignorant of the whole design. At last he was persuaded to step forth, but he still kept at some distance; and he asked the meaning of their intrusion and importunity. Buckingham told him that the nation was resolved to have him for king; the protector declared his purpose of maintaining his loyalty to the present sovereign, and exhorted them to adhere to the same resolution. He was told that the people had determined to have another prince; and if he rejected their unanimous voice, they must look out for one who would be more compliant. This argument was too powerful to be resisted; he was prevailed on to accept of the crown; and he thenceforth acted as the legitimate sovereign.

This ridiculous farce was soon after followed by a scene truly tragical; the murder of the two young princes. Richard gave orders to Sir Robert Brakenbury, constable of the Tower, to put his nephews to death, but this gentleman, who had sentiments of honour, refused to have any hand in the infamous office. The tyrant then sent for Sir James Tyrrel, who promised obedience; and he ordered Brakenbury to resign to this gentleman the keys and government of the Tower for one night. Tyrrel, choosing three associates, Slater, Dighton, and Forest, came in the night-time to the door of the chamber where the princes were lodged; and sending in the assassins, he bade them execute their commission, while he himself stayed without. They found

the young princes in bed, and fallen into a profound sleep. After suffocating them with the bolster and pillows, they showed their naked bodies to Tyrrel, who ordered them to be buried at the foot of the stairs, deep in the ground, under a heap of stones (Sir T. More, p. 238, ed. 1870). These circumstances were all confessed by the actors in the following reign; and they were never punished for the crime; probably, because Henry, whose maxims of government were extremely arbitrary, desired to establish it as a principle, that the commands of the reigning sovereign ought to justify every enormity in those who paid obedience to them. But there is one circumstance not so easy to be accounted for; it is pretended that Richard, displeased with the indecent manner of burying his nephews, whom he had murdered, gave his chaplain orders to dig up the bodies, and to inter them in consecrated ground; and, as the man died soon after, the place of their burial remained unknown, and the bodies could never be found by any search which Henry could make for them. Yet, in the reign of Charles II. when there was occasion to remove some stones, and to dig in the very spot which was mentioned as the place of their first interment, the bones of two persons were there found, which, by their size, exactly corresponded to the age of Edward and his brother; they were concluded, with certainty, to be the remains of those princes, and were interred under a marble monument, by orders of King Charles (Kennet, p. 551). Perhaps Richard's chaplain had died before he found an opportunity of executing his master's commands; and the bodies being supposed to be already removed, a diligent search was not made for them by Henry in the place where they had been buried.

### RICHARD III.

THE first acts of Richard's administration were to bestow rewards on those who had assisted him in usurping the crown, and to gain by favours those who he thought were best able to support his future government. Thomas, Lord Howard, was created Duke of Norfolk; Sir Thomas Howard, his son, Earl of Surry; Lord Lovel, a viscount, by the same name; even Lord Stanley was set at liberty, and made steward of the household. This nobleman had become obnoxious by his first opposition to Richard's views, and also by his marrying the Countess Dowager of Richmond, heir of the Somerset family; but, sensible of the necessity of submitting to the present government, he feigned such zeal for Richard's service, that he was received into favour, and even found means to be entrusted with the most important commands by that politic and jealous tyrant.

But the person who, both from the greatness of his services, and the power and splendour of his family, was best entitled to favours under the new government, was the Duke of Buckingham; and Richard seemed determined to spare no pains or bounty in securing him to his interests. Buckingham was descended from a daughter of Thomas of Woodstock, Duke of Gloucester, uncle to Richard II., and by this pedigree, he not only was allied to the royal family, but had claims for dignities, as well as estates, of a very extensive nature. The Duke of Gloucester, and Henry Earl of Derby, afterwards Henry IV., had married the two daughters and co-heirs of Bohun Earl of Hereford,

one of the greatest of the ancient barons, whose immense property came thus to be divided into two shares. One was inherited by the family of Buckingham; the other was united to the crown by the house of Lancaster, and, after the attainder of that royal line, was seized as legally devolved to them, by the sovereigns of the house of York. The Duke of Buckingham laid hold of the present opportunity, and claimed the restitution of that portion of the Hereford estate which had escheated to the crown, as well as of the great office of constable, which had long continued, by inheritance, in his ancestors of that family. Richard readily complied with these demands, which were probably the price stipulated to Buckingham for his assistance in promoting the usurpation. That nobleman was invested with the office of constable; he received a grant of the estate of Hereford (Dugdale's Baron., vol. i., pp. 168, 169); many other dignities and honours were conferred upon him; and the king thought himself sure of preserving the fidelity of a man, whose interests seemed so closely connected with those of the present government.

But it was impossible that friendship could long remain inviolate between two men of such corrupt minds as Richard and the Duke of Buckingham. Historians ascribe their first rupture to the king's refusal of making restitution of the Hereford estate; but it is certain, from records, that he passed a grant for that purpose, and that the full demands of Buckingham were satisfied in this particular. Perhaps Richard was soon sensible of the danger which might ensue from conferring such an immense property on a man of so turbulent a disposition, and afterwards raised difficulties about the execution of his own grant: perhaps he refused some other demands of Buckingham, whom he found it impossible to gratify for his past services: perhaps he resolved, according to the usual maxim of politicians, to seize the first opportunity of ruining this powerful subject, who had been the principal instrument of his own elevation; and the discovery of this intention begat the first discontent in the Duke of Buckingham. However this may be, it is certain that the Duke, soon after Richard's accession, began to form a conspiracy against the government, and attempted to overthrow that usurpation which he himself had so zealously contributed to establish.

Never was there in any country an usurpation more flagrant than that of Richard, or more repugnant to every principle of justice and public interest. His claim was entirely founded on impudent allegations, never attempted to be proved, some of them incapable of proof, and all of them implying scandalous reflections on his own family, and on the persons with whom he was the most nearly connected. His title was never acknowledged by any national assembly, scarcely even by the lowest populace to whom he appealed; and it had become prevalent, merely for want of some person of distinction who might stand forth against him, and give a voice to those sentiments of general detestation which arose in every bosom. Were men disposed to pardon these violations of public right, the sense of private and domestic duty, which is not to be effaced in the most barbarous times, must have begotten an abhorrence against him, and have represented the murder of the young and innocent princes, his nephews, with



whose protection he had been entrusted, in the most odious colours imaginable. To endure such a bloody usurper seemed to draw disgrace upon the nation, and to be attended with immediate danger to every individual who was distinguished by birth, merit, or services. Such was become the general voice of the people; all parties were united in the same sentiments; and the Lancastrians, so long oppressed, and of late so much discredited, felt their blasted hopes again revive, and anxiously expected the consequences of these extraordinary events. The Duke of Buckingham, whose family had been devoted to that interest, and who, by his mother, a daughter of Edmund Duke of Somerset, was allied to the house of Lancaster, was easily induced to espouse the cause of this party, and to endeavour the restoring of it to its ancient superiority. Morton, Bishop of Ely, a zealous Lancastrian, whom the king had imprisoned, and had afterwards committed to the custody of Buckingham, encouraged these sentiments; and by his exhortations, the duke cast his eye towards the young Earl of Richmond, as the only person who could free the nation from the tyranny of the present usurper (*Hist. Croyl. cont.*, p. 568).

Henry, Earl of Richmond, was at this time detained in a kind of honourable custody by the Duke of Brittany; and his descent, which seemed to give him some pretensions to the crown, had been a great object of jealousy, both in the late and in the present reign. John, the first Duke of Somerset, who was grandson of John of Gaunt by a spurious branch, but legitimated by act of parliament, had left only one daughter, Margaret; and his younger brother, Edmund, had succeeded him in his titles, and in a considerable part of his fortune. Margaret had espoused Edmund, Earl of Richmond, half-brother of Henry VI. and son of Sir Owen Tudor and Catherine of France, relict of Henry V., and she bore him only one son, who received the name of Henry, and who, after his father's death, inherited the honours and fortune of Richmond. His mother, being a widow, had espoused, in second marriage, Sir Henry Stafford, uncle to Buckingham, and after the death of that gentleman had married Lord Stanley; but had no children by either of these husbands; and her son Henry was thus, in the event of her death, the sole heir of all her fortunes. But this was not the most considerable advantage which he had reason to expect from her succession. He would represent the elder branch of the house of Somerset; inherit all the title of that family to the crown; and though its claim, while any legitimate branch subsisted of the house of Lancaster, had always been much disregarded, the zeal of faction, after the death of Henry VI. and the murder of Prince Edward, immediately conferred a weight and consideration upon it.

Edward IV. finding that all the Lancastrians had turned their attention towards the young Earl of Richmond, as the object of their hopes, thought him also worthy of his attention; and pursued him into his retreat in Brittany, whither his uncle, the Earl of Pembroke, had carried him, after the battle of Tewkesbury, so fatal to his party. He applied to Francis II., Duke of Brittany, who was his ally, a weak but a good prince; and urged him to deliver up this fugitive, who might be the source of future disturbances in England. But the duke, averse to so dishonourable a proposal, would only consent, that, for the security

of Edward, the young nobleman should be detained in custody; and he received an annual pension from England for the safe keeping or the subsistence of his prisoner. But towards the end of Edward's reign, when the kingdom was menaced with a war both from France and Scotland, the anxieties of the English court with regard to Henry were much increased; and Edward made a new proposal to the duke, which covered, under the fairest appearances, the most bloody and treacherous intentions. He pretended that he was desirous of gaining his enemy, and of uniting him to his own family by a marriage with his daughter Elizabeth; and he solicited to have him sent over to England in order to execute a scheme which would redound so much to his advantage. These pretences, seconded, as is supposed, by bribes to Peter Landais, a corrupt minister, by whom the duke was entirely governed, gained credit with the court of Brittany. Henry was delivered into the hands of the English agents. He was ready to embark, when a suspicion of Edward's real design was suggested to the duke, who recalled his orders, and thus saved the unhappy youth from the imminent danger which hung over him.

These symptoms of continued jealousy in the reigning family of England, both seemed to give some authority to Henry's pretensions, and made him the object of general favour and compassion, on account of the dangers and persecutions to which he was exposed. The universal detestation of Richard's conduct turned still more the attention of the nation towards Henry; and as all the descendants of the house of York were either women or minors, he seemed to be the only person from whom the nation could expect the expulsion of the odious and bloody tyrant. But notwithstanding these circumstances which were so favourable to him, Buckingham and the Bishop of Ely well knew that there would still be many obstacles in his way to the throne; and that, though the nation had been much divided between Henry VI. and the Duke of York, while present possession and hereditary right stood in opposition to each other; yet, as soon as these titles were united in Edward IV., the bulk of the people had come over to the reigning family, and the Lancastrians had extremely decayed, both in numbers and authority. It was therefore suggested by Moreton, and readily assented to by the duke, that the only means of overturning the present usurpation, was to unite the opposite factions, by contracting a marriage between the Earl of Richmond and the Princess Elizabeth, eldest daughter of King Edward, and thereby blending together the opposite pretensions of their families, which had so long been the source of public disorders and convulsions. They were sensible that the people were extremely desirous of repose after so many bloody and destructive commotions; that both Yorkists and Lancastrians, who now lay equally under oppression, would embrace this scheme with ardour; and that the prospect of reconciling the two parties, which was in itself so desirable an end, would, when added to the general hatred against the present government, render their cause absolutely invincible. In consequence of these views, the prelate, by means of Reginald Bray, steward to the Countess of Richmond, first opened the project of such a union to that lady; and the plan appeared so advantageous for her son, and at the same time so likely to succeed, that it admitted not of

the least hesitation. Dr. Lewis, a Welsh physician, who had access to the queen-dowager in her sanctuary, carried the proposals to her; and found, that revenge for the murder of her brother and of her three sons, apprehensions for her surviving family, and indignation against her confinement, easily overcame all her prejudices against the house of Lancaster, and procured her approbation of a marriage to which the age and birth, as well as the present situation of the parties, seemed so naturally to invite them. She secretly borrowed a sum of money in the city, sent it over to the Earl of Richmond, required his oath to celebrate the marriage as soon as he should arrive in England, advised him to levy foreign forces, and promised to join him, on his first appearance, with all the friends and partisans of her family.

The plan being thus laid upon the solid foundations of good sense and sound policy, it was secretly communicated to the principal persons of both parties in all the counties of England, and a wonderful alacrity appeared in every order of men to forward its success and completion. But it was impossible that so extensive a conspiracy could be conducted in so secret a manner as entirely to escape the jealous and vigilant eye of Richard, and he soon received intelligence that his enemies, headed by the Duke of Buckingham, were forming some design against his authority. He immediately put himself in a posture of defence by levying troops in the north; and he summoned the duke to appear at court in such terms as seemed to promise a renewal of their former amity. But that nobleman, well acquainted with the barbarity and treachery of Richard, replied only by taking arms in Wales, and giving the signal to his accomplices for a general insurrection in all parts of England. But at that very time (Oct.) there happened to fall such heavy rains, so incessant and continued, as exceeded any known in the memory of man, and the Severn, with the other rivers in that neighbourhood, swelled to a height which rendered them impassable, and prevented Buckingham from marching into the heart of England to join his associates. The Welshmen, partly moved by superstition at this extraordinary event, partly distressed by famine in their camp, fell off from him; and Buckingham, finding himself deserted by his followers, put on a disguise, and took shelter in the house of Banister, an old servant of his family. But being detected in his retreat, he was brought to the king at Salisbury, and was instantly executed, according to the summary method practised in that age (Hist. Croyl. cont., p. 568). The other conspirators, who took arms in four different places, at Exeter, at Salisbury, at Newbury, and at Maidstone, hearing of the Duke of Buckingham's misfortunes, despaired of success, and immediately dispersed themselves.

The Marquis of Dorset and the Bishop of Ely made their escape beyond sea. Many others were equally fortunate. Several fell into Richard's hands, of whom he made some examples. His executions seem not to have been remarkably severe; though we are told of one gentleman, William Collingbourne, who suffered under colour of this rebellion, but in reality for a distich of quibbling verses, which he had composed against Richard and his ministers.<sup>1</sup> The Earl of Richmond,

<sup>1</sup> The lines were

The Rat, the Cat, and Lovel that Dog,      |      Rule all England under the Hog  
Alluding to the names of Ratcliffe and Catesby, and to Richard's arms, which were a boar.

in concert with his friends, had set sail from St. Malo, carrying on board a body of 5000 men, levied in foreign parts; but his fleet being at first driven back by a storm, he appeared not on the coast of England till after the dispersion of all his friends; and he found himself obliged to return to the court of Brittany.

The king, everywhere triumphant, and fortified by this unsuccessful attempt to dethrone him, ventured (A.D. Jan. 23, 1484) at last to summon a parliament; a measure which his crimes and flagrant usurpation had induced him hitherto to decline. Though it was natural that the parliament, in a contest of national parties, should always adhere to the victor, he seems to have apprehended, lest his title, founded on no principle, and supported by no party, might be rejected by that assembly. But his enemies being now at his feet, the parliament had no choice left but to recognise his authority, and acknowledge his right to the crown. His only son, Edward, a youth of twelve years of age, was created Prince of Wales. The duties of tonnage and poundage were granted to the king for life; and Richard, in order to reconcile the nation to his government, passed some popular laws, particularly one against the late practice of extorting money on pretence of benevolence.

All the other measures of the king tended to the same object. Sensible that the only circumstance which could give him security was to gain the confidence of the Yorkists, he paid court to the queen-dowager with such art and address, made such earnest protestations of his sincere goodwill and friendship, that this princess, tired of confinement, and despairing of any success from her former projects, ventured to leave her sanctuary, and to put herself and her daughters into the hands of the tyrant. But he soon carried farther his views for the establishment of his throne. He had married Anne, the second daughter of the Earl of Warwick, and widow of Edward, Prince of Wales, whom Richard himself had murdered; but this princess having borne him but one son, who died about this time, he considered her as an invincible obstacle to the settlement of his fortune, and he was believed to have carried her off by poison; a crime for which the public could not be supposed to have any solid proof, but which the usual tenor of his conduct made it reasonable to suspect. He now thought it in his power to remove the chief perils which threatened his government. The Earl of Richmond, he knew, could never be formidable but from his projected marriage with the Princess Elizabeth, the true heir of the crown; and he therefore intended, by means of a papal dispensation, to espouse himself, this princess, and thus to unite in his own family their contending titles. The queen-dowager, eager to recover her lost authority, neither scrupled this alliance, which was very unusual in England, and was regarded as incestuous, nor felt any horror at marrying her daughter to the murderer of her three sons and of her brother; she even joined so far her interests with those of the usurper, that she wrote to all her partisans, and among the rest, to her son, the Marquis of Dorset, desiring them to withdraw from the Earl of Richmond; an injury which the earl could never afterwards forgive; the court of Rome was applied to for a dispensation; Richard thought that he could easily defend himself during the interval, till it arrived; and he had afterwards the agreeable prospect of a full and secure settlement. He flat-

tered himself that the English nation, seeing all danger removed of a disputed succession, would then acquiesce under the dominion of a prince, of mature years, of great abilities, and of a genius qualified for government; and that they would forgive him all the crimes which he had committed in paving his way to the throne.

But the crimes of Richard were so horrid and so shocking to humanity, that the natural sentiments of men, without any political or public views, were sufficient to render his government unstable; and every person of probity and honour was earnest to prevent the sceptre from being any longer polluted by that bloody and faithless hand which held it. All the exiles flocked to the Earl of Richmond in Brittany, and exhorted him to hasten his attempt for a new invasion, and to prevent the marriage of the Princess Elizabeth, which must prove fatal to all his hopes. The Earl, sensible of the urgent necessity, but dreading the treachery of Peter Landais, who had entered into a negotiation with Richard for betraying him, was obliged to attend only to his present safety, and he made his escape to the court of France. The ministers of Charles VIII, who had now succeeded to the throne after the death of his father Lewis, gave him countenance and protection; and being desirous of raising disturbance to Richard, they secretly encouraged the earl in the levies which he made for the support of his enterprise upon England. The Earl of Oxford, whom Richard's suspicions had thrown into confinement, having made his escape, here joined Henry; and inflamed his ardour for the attempt, by the favourable accounts which he brought of the dispositions of the English nation, and their universal hatred of Richard's crimes and usurpation.

The Earl of Richmond set sail from Harfleur, in Normandy, with a small army of about 2000 men; and after a navigation of six days, he arrived (A.D. 1485, Aug. 7) at Milford Haven in Wales, where he landed without opposition. He directed his course to that part of the kingdom, in hopes that the Welsh, who regarded him as their countryman, and who had been already prepossessed in favour of his cause by means of the Duke of Buckingham, would join his standard, and enable him to make head against the established government. Richard, who knew not in what quarter he might expect the invader, had taken post at Nottingham, in the centre of the kingdom; and having given commissions to different persons in the several counties, whom he empowered to oppose his enemy, he purposed in person to fly, on the first alarm, to the place exposed to danger. Sir Rice ap Thomas and Sir Walter Herbert were entrusted with his authority in Wales; but the former immediately deserted to Henry; the second made but feeble opposition to him; and the earl, advancing towards Shrewsbury, received every day some reinforcement from his partisans. Sir Gilbert Talbot joined him with all the vassals and retainers of the family of Shrewsbury; Sir Thomas Bouchier, and Sir Walter Hungerford, brought their friends to share his fortunes; and the appearance of men of distinction in his camp made already his cause wear a favourable aspect.

But the danger to which Richard was chiefly exposed, proceeded not so much from the zeal of his open enemies, as from the infidelity of his pretended friends. Scarce any nobleman of distinction was sincerely attached to his cause, except the Duke of Norfolk; and all

those who feigned the most loyalty, were only watching for an opportunity to betray and desert him. But the persons, of whom he entertained the greatest suspicion, were Lord Stanley and his brother Sir William, whose connections with the family of Richmond, notwithstanding their professions of attachment to his person, were never entirely forgotten or overlooked by him. When he empowered Lord Stanley to levy forces, he still retained his eldest son, Lord Strange, as a pledge for his fidelity; and that nobleman was, on this account, obliged to employ great caution and reserve in his proceedings. He raised a powerful body of his friends and retainers in Cheshire and Lancashire, but without openly declaring himself; and though Henry had received secret assurances of his friendly intentions, the armies on both sides knew not what to infer from his equivocal behaviour. The two rivals, at last, approached each other, at Bosworth, near Leicester; Henry, at the head of 6000 men, Richard with an army of above double that number; and a decisive action was every hour expected between them. Stanley, who commanded above 7000 men, took care to post himself at Atherstone, not far from the hostile camps; and he made such a disposition as enabled him on occasion to join either party. Richard had too much sagacity not to discover his intentions from those movements; but he kept the secret from his own men, for fear of discouraging them, he took not immediate revenge on Stanley's son, as some of his courtiers advised him, because he hoped that so valuable a pledge would induce the father to prolong still farther his ambiguous conduct; and he hastened to decide by arms the quarrel with his competitor: being certain, that a victory over the Earl of Richmond would enable him to take ample revenge on all his enemies, open and concealed.

The van of Richmond's army, consisting of archers, was commanded by the Earl of Oxford; Sir Gilbert Talbot led the right wing; Sir John Savage the left; the earl himself, accompanied by his uncle, the Earl of Pembroke, placed himself in the main body. Richard also took post in his main body, and entrusted the command of his van to the Duke of Norfolk; as his wings were never engaged, we have not learned the names of the several commanders. Soon after the battle began (A.D. 1485, Aug. 22), Lord Stanley, whose conduct in this whole affair discovers great precaution and abilities, appeared in the field, and declared for the Earl of Richmond. This measure, which was unexpected to the men, though not to their leaders, had a proportional effect on both armies; it inspired unusual courage into Henry's soldiers; it threw Richard's into dismay and confusion. The intrepid tyrant, sensible of his desperate situation, cast his eye around the field, and desecrating his rival at no great distance, he drove against him with fury, in hopes that either Henry's death or his own would decide the victory between them. He killed with his own hands Sir William Brandon, standard-bearer to the earl; he dismounted Sir John Chyney; he was now within reach of Richmond himself, who declined not the combat; when Sir William Stanley, breaking in with his troops, surrounded Richard, who, fighting bravely to the last moment, was overwhelmed by numbers, and perished by a fate too mild and honourable for his multiplied and detestable enormities. His men everywhere sought for safety by flight.

There fell in this battle about four thousand of the vanquished : and among these the Duke of Norfolk, Lord Ferrars of Chartley, Sir Richard Ratchiffe, Sir Robert Piercy, and Sir Robert Brackenbury. The loss was inconsiderable on the side of the victors. Sir William Catesby, a great instrument of Richard's crimes, was taken, and soon after beheaded, with some others, at Leicester. The body of Richard was found in the field, covered with dead enemies, and all besmeared with blood ; it was thrown carelessly across a horse ; was carried to Leicester amidst the shouts of the insulting spectators, and was interred in the Gray-Friars Church of that place.

The historians who favour Richard (for even this tyrant has met with partisans among the later writers) maintain, that he was well qualified for government, had he legally obtained it ; and that he committed no crimes but such as were necessary to procure him possession of the crown, but this is a poor apology, when it is confessed that he was ready to commit the most horrid crimes which appeared necessary for that purpose ; and it is certain, that all his courage and capacity, qualities in which he really seems not to have been deficient, would never have made compensation to the people for the danger of the precedent, and for the contagious example of vice and murder, exalted upon the throne. This prince was of a small stature, humpbacked, and had a harsh disagreeable countenance ; so that his body was in every particular no less deformed than his mind.

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Thus have we pursued the history of England through a series of many barbarous ages, till we have at last reached the dawn of civility and science, and have the prospect both of greater certainty in our historical narrations, and of being able to present to the reader a spectacle more worthy of his attention. The want of certainty, however, and of circumstances, is not alike to be complained of throughout every period of this long narration. This island possesses many ancient historians of good credit, as well as many historical monuments ; and it is rare that the annals of so uncultivated a people as were the English, as well as the other European nations, after the decline of Roman learning, have been transmitted to posterity so complete, and with so little mixture of falsehood and of fable. This advantage we owe entirely to the clergy of the Church of Rome, who founding their authority on their superior knowledge, preserved the precious literature of antiquity from a total extinction,<sup>1</sup> and under shelter of their numerous privileges and immunities, acquired a security by means of the superstition which they would in vain have claimed

<sup>1</sup> Every one that has perused the ancient monkish writers knows, that however barbarous their own style, they are full of allusions to the Latin classics, especially the poets. There seems also, in those middle ages, to have remained many ancient books that are now lost. Malmesbury, who flourished in the reign of Hen. I. and King Stephen, quotes Livy's description of Cæsar's passage over the Rubicon. Fitz-Stephen, who lived in the reign of Hen. II., alludes to a passage in the larger history of Sallust. In the collection of letters which passes under the name of Thomas à Becket, we see how familiar all the ancient history and ancient books were to the more ingenious and more dignified churchmen of that time, and consequently how much that order of men must have surpassed all the other members of the society. That prelate and his friends call each other philosophers in all the course of their correspondence, and consider the rest of the world as sunk in total ignorance and barbarism.

from the justice and humanity of those turbulent and licentious ages. Nor is the spectacle altogether unentertaining and uninstructional which the history of those times presents to us. The view of human manners in all their variety of appearances, is both profitable and agreeable; and if the aspect in some periods seem horrid and deformed, we may thence learn to cherish with the greater anxiety that science and civility which has so close a connection with virtue and humanity, and which, as it is a sovereign antidote against superstition, is also the most effectual remedy against vice and disorders of every kind.

The rise, progress, perfection, and decline of art and science, are curious objects of contemplation, and intimately connected with a narration of civil transactions. The events of no particular period can be fully accounted for, but by considering the degrees of advancement which men have reached in those particulars.

Those who cast their eye on the general revolutions of society will find, that as almost all improvements of the human mind had reached nearly to their state of perfection about the age of Augustus, there was a sensible decline from that point or period, and men thenceforth relapsed gradually into ignorance and barbarism. The unlimited extent of the Roman empire, and the consequent despotism of its monarchs, extinguished all emulation, debased the generous spirits of men, and depressed that noble flame by which all the refined arts must be cherished and enlivened. The military government which soon succeeded, rendered even the lives and properties of men insecure and precarious; and proved destructive to those vulgar and more necessary arts of agriculture, manufactures, and commerce, and in the end, to the military art and genius itself, by which alone the immense fabric of the empire could be supported. The irruption of the barbarous nations which soon followed, overwhelmed all human knowledge, which was already far in its decline, and men sunk every age deeper into ignorance, stupidity, and superstition, till the light of ancient science and history had very nearly suffered a total extinction in all the European nations.

But there is a point of depression, as well as of exaltation, from which human affairs naturally return in a contrary direction, and beyond which they seldom pass either in their advancement or decline. The period in which the people of Christendom were the lowest sunk in ignorance, and consequently in disorders of every kind, may justly be fixed at the eleventh century, about the age of William the Conqueror; and from that era, the sun of science beginning to reascend, threw out many gleams of light, which preceded the full morning, when letters were revived in the fifteenth century. The Danes, and other northern people, who had so long infested all the coasts, and even the inland parts of Europe by their depredations, having now learned the arts of tillage and agriculture, found a certain subsistence at home, and were no longer tempted to desert their industry, in order to seek a precarious livelihood by rapine, and by the plunder of their neighbours. The feudal governments also, among the more southern nations, were reduced to a kind of system; and though that strange species of civil polity was ill fitted to insure either liberty or tranquillity, it was preferable to the universal license and disorder



which had everywhere preceded it. But there was no event which tended farther to the improvement of the age than one, which has not been much remarked, the accidental finding of a copy of Justinian's Pandects, about the year 1130, in the town of Amalfi in Italy.

The ecclesiastics who had leisure, and some inclination to study, immediately adopted with zeal this excellent system of jurisprudence, and spread the knowledge of it throughout every part of Europe. Besides the intrinsic merit of the performance, it was recommended to them by its original connection with the imperial city of Rome, which being the seat of their religion, seemed to acquire a new lustre and authority, by the diffusion of its laws over the western world. In less than ten years after the discovery of the Pandects, Vacarius, under the protection of Theobald, Archbishop of Canterbury, read public lectures of civil law in the university of Oxford, and the clergy everywhere, by their example as well as exhortation, were the means of diffusing the highest esteem for this new science. That order of men having large possessions to defend, was in a manner necessitated to turn their studies towards the law, and their properties being often endangered by the violence of the princes and barons, it became their interest to enforce the observance of general and equitable rules, from which alone they could receive protection. As they possessed all the knowledge of the age, and were alone acquainted with the habits of thinking, the practice, as well as science of the law, fell mostly into their hands; and though the close connection which, without any necessity, they formed between the canon and civil law, begat a jealousy in the laity of England, and prevented the Roman jurisprudence from becoming the municipal law of the country, as was the case in many states of Europe, a great part of it was secretly transferred into the practice of the courts of justice, and the imitation of their neighbours made the English gradually endeavour to raise their own law from its original state of rudeness and imperfection.

It is easy to see what advantages Europe must have reaped by its inheriting at once from the ancients so complete an art, which was also so necessary for giving security to all other arts, and which by refining, and still more by bestowing solidity on the judgment, served as a model to farther improvements. The sensible utility of the Roman law, both to public and private interest, recommended the study of it at a time when the more exalted and speculative sciences carried no charms with them; and thus the last branch of ancient literature which remained uncorrupted, was happily the first transmitted to the modern world, for it is remarkable that in the decline of Roman learning, when the philosophers were universally infected with superstition and sophistry, and the poets and historians with barbarism, the lawyers, who in other countries are seldom models of science or politeness, were yet able by the constant study and close imitation of their predecessors, to maintain the same good sense in their decisions and reasonings, and the same purity in their language and expression.

What bestowed an additional merit on the civil law, was the extreme imperfection of that jurisprudence which preceded it among all the European nations, especially among the Saxons or ancient English. The absurdities which prevailed at that time in the administration

of justice, may be conceived from the authentic monuments which remain of the ancient Saxon laws, where a pecuniary commutation was received for every crime, where stated prices were fixed for men's lives and members, where private revenges were authorised for all injuries, where the use of the ordeal, corsnet, and afterwards of the duel, was the received method of proof, and where the judges were rustic freeholders assembled on a sudden, and deciding a cause from one debate or altercation of the parties. Such a state of society was very little advanced beyond the rude state of nature; violence universally prevailed, instead of general and equitable maxims; the pretended liberty of the times was only an incapacity of submitting to government; and men not protected by law in their lives and properties, sought shelter by their personal servitude and attachments under some powerful chieftain, or by voluntary combinations.

The gradual progress of improvement raised the Europeans somewhat above this uncultivated state; and affairs, in this island particularly, took early a turn which was more favourable to justice and to liberty. Civil employments and occupations soon became honourable among the English. The situation of that people rendered not the perpetual attention to wars so necessary as among their neighbours, and all regard was not confined to the military profession; the gentry, and even the nobility, began to deem an acquaintance with the law a necessary part of education, they were less diverted than afterwards from studies of this kind by other sciences, and in the age of Henry VI., as we are told by Fortescue, there were in the Inns of Court about two thousand students, most of them men of honourable birth, who gave application to this branch of civil knowledge, a circumstance which proves that a considerable progress was already made in the science of government, and which prognosticated a still greater.

One chief advantage which resulted from the introduction and progress of the arts, was the introduction and progress of freedom; which affected men both in their personal and civil capacities.

If we consider the ancient state of Europe, we shall find that the far greater part of the society were everywhere bereaved of their personal liberty, and lived entirely at the will of their masters. Every one that was not noble was a slave; the peasants were sold along with the land; the few inhabitants of cities were not in a better condition; even the gentry themselves were subjected to a long train of subordination under the greater barons or chief vassals of the crown; who, though seemingly placed in a high state of splendour, yet, having but a slender protection from law, were exposed to every tempest of the state, and, by the precarious condition in which they lived, paid dearly for the power of oppressing and tyrannising over their inferiors. The first incident which broke in upon this violent system of government was the practice, begun in Italy, and imitated in France, of erecting communities and corporations, endowed with privileges and a separate municipal government, which gave them protection against the tyranny of the barons, and which the prince himself deemed it prudent to respect.<sup>1</sup> The relaxation of the feudal tenures, and an execution somewhat stricter of the public law, bestowed an independence on vassals which was unknown to their forefathers. And even the peasants

<sup>1</sup> There appear early symptoms of the jealousy entertained by the barons against the pro-

though later than other orders of the state, made their escape from those bonds of villenage in which they had formerly been retained.

It may appear strange, that the progress of the arts, which seems among the Greeks and Romans to have daily increased the number of slaves, should, in later times, have proved so general a source of liberty; but this difference in the events proceeded from a great difference in the circumstances which attended those institutions. The ancient barons, obliged to maintain themselves in a military posture, and little emulous of elegance or splendour, employed not their villains as domestic servants, much less as manufacturers, but composed their retinue of freemen, whose military spirit rendered the chieftain formidable to his neighbours, and who were ready to attend in every warlike enterprise. The villains were entirely occupied in the cultivation of their master's land, and paid their rents either in corn and cattle and other produce of the farm, or in servile offices which they performed about the baron's family, and upon the farms which he retained in his own possession. In proportion as agriculture improved, and money increased, it was found that these services, though extremely burdensome to the villain, were of little advantage to the master, and that the produce of a large estate could be much more conveniently disposed of by the peasants themselves who raised it, than by the landlord or his bailiff who were formerly accustomed to receive it. A commutation was therefore made of rents for services, and of money-rents for those in kind; and as men, in a subsequent age, discovered that farms were better cultivated where the farmer enjoyed a security in his possession, the practice of granting leases to the peasant began to prevail, which entirely broke the bonds of servitude, already much relaxed from the former practices. After this manner villenage went gradually into disuse throughout the more civilised parts of Europe; the interest of the master, as well as that of the slave, concurred in this alteration. The latest laws, which we find in England for enforcing or regulating this species of servitude, were enacted in the reign of Henry VII. And though the ancient statutes on this subject remain still unrepealed by parliament, it appears that before the end of Elizabeth the distinction of villain and freeman was totally though insensibly abolished, and that no person remained in the state to whom the former laws could be applied.

Thus personal freedom became almost general in Europe, an advantage which paved the way for the increase of political or civil liberty and served to give the members of the community some of the most considerable advantages of it.

The constitution of the English government, ever since the invasion of this island by the Saxons, may boast of this pre-eminence, that in no age the will of the monarch was ever entirely absolute and uncontrolled; but in other respects the balance of power has extremely shifted among the several orders of the state.

gress of the arts, as destructive of their licentious power. A law was enacted, 7 Hen. IV, chap. 17, prohibiting any one who did not possess twenty shillings a year in land from binding his sons apprentices to any trade. They found already that the cities began to drain the country of the labourers and husbandmen, and did not foresee how much the increase of commerce would increase the value of their estates. Cotton, p. 179. The kings, to encourage the boroughs, granted them this privilege, that any villain who had lived a twelvemonth in any corporation, and had been of the guild, should be thenceforth regarded as free.

The ancient Saxons, like the other German nations, where each individual was enured to arms, and where the independence of men was secured by a great equality of possessions, seem to have admitted a considerable mixture of democracy into their form of government, and to have been one of the freest nations of which there remains any account in the records of history. After this tribe was settled in England, especially after the dissolution of the Heptarchy, the great extent of the kingdom produced a great inequality in property, and the balance seems to have inclined to the side of aristocracy. The Norman conquest threw more authority into the hands of the sovereign, which, however, admitted of great control, though derived less from the general forms of the constitution, which were inaccurate and irregular, than from the independent power enjoyed by each baron in his particular district or province. The establishment of the Great Charter exalted still higher the aristocracy, imposed regular limits on royal power, and gradually introduced some mixture of democracy into the constitution. But even during this period, from the accession of Edward I. to the death of Richard III., the condition of the commons was nowise eligible; a kind of Polish aristocracy prevailed; and, though the kings were limited, the people were as yet far from being free. It required the authority almost absolute of the sovereigns, which took place in the subsequent period, to pull down those licentious tyrants, and to establish that regular execution of the laws, which, in a following age, enabled the people to elect a regular and equitable plan of liberty.

In each of these successive alterations, the only rule of government, which is intelligible or carries any authority with it, is the established practice of the age, and the maxims of administration which are at that time prevalent and universally assented to. Those who, from a pretended respect to antiquity, appeal at every turn to an original plan of the constitution, only cover their turbulent spirit and their private ambition under the appearance of venerable forms; and whatever period they pitch on for their model, they may still be carried back to a more ancient period, where they will find the measures of power entirely different, and where every circumstance, by reason of the greater barbarity of the times, will appear still less worthy of imitation. Above all, a civilised nation like the English, who have happily established the most perfect and most accurate system of liberty that was ever found compatible with government, ought to be cautious in appealing to the practice of their ancestors, or regarding the maxims of uncultivated ages as certain rules for their present conduct. An acquaintance with the ancient periods of their government is chiefly useful, by instructing them to cherish their present constitution, from a comparison or contrast with the condition of those distant times. And it is also curious, by showing them the remote, and commonly faint and disfigured originals of the most finished and most noble institutions, and by instructing them in the great mixture of accident, which commonly concurs with a small ingredient of wisdom and foresight, in erecting the complicated fabric of the most perfect government.

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